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FALKLAND ISLANDS.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 31 March 1843;—*for*,

COPIES or EXTRACTS of any CORRESPONDENCE relative to the *Falkland Islands*, since the last Papers laid before The House, upon the 27th day of August 1841, (2[d] *Sess.* 1841, *No.* 3.)

108263

Colonial Office, Downing-street, 3 April 1843.

G. W. HOPE.

(Mr. George William Hope.)

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Ordered, by The House of Commons, *to be Printed*, 3 *April* 1843.

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FALKLAND ISLANDS.

— No. 1. —

No. 1.
Lord J. Russell to Lieut.-Governor Moody, 23 August 1841.

(No. 1.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 23 August 1841.

THE Queen having been pleased to appoint you to be Lieutenant-governor of the Falkland Islands, I enclose herewith Her Majesty's commission appointing you to that office.

In transmitting that instrument to you, it would be convenient in itself and accordant with the general practice, to accompany it by instructions accurately defining your powers as Lieutenant-governor of these islands, and pointing out the manner in which these powers ought to be exercised; but it is impracticable to adopt that course at present.

First, as to the definition of your powers. The difficulty here is, that as you are to preside over a settlement to which Her Majesty's title rests on the ground of prior occupation merely, the general rule of law is, that the colonists there carry with them the law of England, so far as it is applicable to their situation. Now the law of England supposes a legislature composed, in part at least, of the representatives of the people, and courts of justice formed on the model of those of England; but the Falkland Islands do not at present afford the means of representative institutions: courts of justice may before long be established; but we have not sufficient information to enable us to point out in what manner this can best be effected. Without the sanction of Parliament Her Majesty cannot, in the exercise of her prerogative, provide any substitutes either for a legislature or courts of justice; consequently the colony must for a time remain without a legislature or courts of justice. But you will turn your attention, immediately upon your arrival, to the means of administering law and justice within the colony. You will inform the inhabitants of the Falkland Islands, by proclamation, that the law of England is in force within the islands; you will ascertain whether there are any persons in the islands fit to be entrusted with the functions of judges or magistrates.

In the commencement your government must be one of influence, persuasion and example, rather than of direct authority; but in the exercise of moral rather than legal power, you must of course be guided by your own discretion, rather than by any precise instructions. As the head of the local society, and the representative of your Sovereign, you will, during the infancy of the settlement, probably find the means of maintaining peace, and promoting industry and mutual good will; and to these ends, at the first, your exertions must be mainly directed.

The sum of 2,000*l.* is assigned for this service in the Estimates for the financial year ending on the 31st of March 1842; to that amount you will draw on the Lords of the Treasury, duly apprising their Lordships and myself of every such draft, and in your communications to me reporting fully the purposes for which each is drawn.

Of the sum so to be drawn by you, 600*l.* will constitute your own salary. The balance you will employ for such public purposes as may appear to you to be of the most indispensable urgency.

I am perfectly aware that many objects of the highest importance must be neglected for the present, and must so continue, until you are in possession of funds more adequate to the purposes of civil government. You will, therefore,

clearly understand that these inconveniences, whatever they may may be, must be borne for a time.

It is a growing opinion among naval and mercantile men, that a settlement on the Falkland Islands would be of essential service to our merchant vessels in the voyages from our more distant possessions. It may be that a mere guard, to occupy a post in the vicinity of the best harbour, is all that can be effected with advantage. It may be that a more extensive occupation by British settlers would lead to increased intercourse, and improved facilities for trade. These are questions which can only be decided by experience. It will be seen in a year or two whether the appointment of a person, with a title of authority, leads to a desire to colonise, and whether the attempt, if made by companies or individuals, is likely to prove successful.

It is the object of Her Majesty's Government to give increased protection and security to British commerce, and not to launch into a large expense for the sake of the mere territory contained in the Falkland Islands. Your despatches will be framed with a view to give information which may guide Her Majesty in her ultimate decision.

For Report from the Colonial Land and Emigration Commissioners, 30 March 1841, *vide* Papers relative to the Falkland Islands, presented by Her Majesty's command, ordered by the House of Commons to be printed, 27 Aug. 1841, No. 3, p. 19.

With regard to the sale and settlement of lands, I enclose for your information a Report from the Commissioners of Colonial Lands and Emigration, dated the 30th of March last. I adopt the conclusions contained in that Report on this subject, and you will for the present take them as the rule for your guidance.

I have, &c.
(signed) *J. Russell.*

P. S.—You will observe, that of the sum of 2,000*l.*, only 1,000*l.* has yet been voted; but the remainder will be included in the Estimates to be laid before the House of Commons in the approaching Session.

(signed) *J. R.*

— No. 2. —

No. 2.
Lord J. Russell to Lieut.-Governor Moody, 26 August 1841.

(No. 3.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 26 August 1841.

I HAVE to acquaint you, that, having consulted the Lords Commissioners of the Admiralty in regard to the selection which it might be proper to make of a port in the Falkland Islands for the resort of Her Majesty's ships, their Lordships have apprised me that Port William is a safer and more convenient harbour than Berkeley Sound; but that as long as the settlement remains in the latter, Her Majesty's ships will most probably resort there. If, however, a new settlement is to be made, you will, with the aid of a judicious naval officer, report on the most eligible places.

I take this opportunity to acquaint you further, that the Lords Commissioners have instructed the officer commanding the small vessel stationed at the Falkland Islands to co-operate with you in the execution of all such measures as you may deem necessary, with a view to the preservation of the lands, fisheries, and wild cattle from trespass or destruction.

I have, &c.
(signed) *J. Russell.*

— No. 3. —

No. 3.
Lord Stanley to Lieut.-Governor Moody.
12 Sept. 1841.

3 Sept.

(No. 1.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 12 September 1841.

I TRANSMIT to you herewith a copy of a letter which has been received from the Board of Admiralty, covering copies of a report from Rear-Admiral Sir E. D. King, and of various communications relating to the state of affairs in the Falkland Islands.

I have, &c.
(signed) *Stanley.*

Enclosures in No. 3.

Sir, Admiralty, 3 September 1841.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Her Majesty's Principal Secretary of State for Colonial Affairs, the inclosed copy of a letter from Rear-Admiral Sir E. D. King, commander-in-chief on the South American and Cape of Good Hope station, dated 3 July 1841, No. 33, together with copies of its enclosures respecting the Falkland Islands. Encls. in No. 3.

No. 1, the first, is from Captain Russell, of the Actæon, containing a report on the state of the settlement in Berkeley Sound, and particularly as regards the horses and cattle on the island, and on the measures taken by Lieutenant Tyssen to keep up a proper supply. The zeal and active exertions of this officer for the improvement of this settlement, he says, deserve the greatest praise.

No. 2, the next enclosure, contains the claim of a Mr. John Whitington to certain land, cattle, and other property, of which nothing is known in this department.

No. 3, is a correspondence with the above gentleman respecting the purchase of hides belonging to the Crown.

No. 4, the last enclosure referred to, is a copy of Lieutenant Tyssen's last report of his proceedings, and of the condition of the islands up to the 6th February last; and the Admiral concludes by approving of Lieutenant Tyssen's conduct and proceedings, bnt he suggests that, from many circumstances which he alludes to, whether the time may not have arrived to colonize these islands under a properly constituted government, with judicial authority to settle all questions of landed or other property.

Their Lordships direct me to desire that this part of the rear-admiral's despatch may be called to the particular attention of the Colonial Secretary of State, for any directions he may be pleased to give on the subject.

I am, &c.
(signed) *John Barrow.*

J. Stephen, Esq.
&c. &c. &c.

(No. 33.)

Sir, Southampton, Rio Janeiro, 3 July 1841.

I HAVE the honour to acquaint you, that since my letter, No. 25, of the 14th ultimo, I have been enabled to look more minutely through the various papers I found on my return here regarding the Falkland Islands, and as there are several of them that it may be desirable for their Lordships to be acquainted with, I beg to enclose copies for reference, if required.

The first is a report on the state of the settlement by Captain Russell, of the Actæon, dated the 14th of October last, which embraces a good deal of information on the principal points to which attention is likely to be drawn by the desire which I learn at present exists in England regarding the colonization of these islands. It is accompanied by a document in support of the claim of a woman residing there, named Antonina Roxa, to a share of the tame cattle at the settlement. Their Lordships may perhaps consider it worthy of their notice and directions.

No. 2.—The next enclosure is the copy of a correspondence between Lieutenant Tyssen, in charge of the islands, and a Mr. John B. Whitington, a settler, regarding a claim made by the latter to certain land, cattle, and other property, on the East Falkland Island, grounded, I believe, upon some agreement between him and Mr. Louis Vernet, formerly residing on the islands.

No. 3.—Enclosure 3 is a correspondence beween the same parties relative to the quality and price of hides belonging to the Crown.

No. 4.—The fourth enclosure to this despatch is a copy of Lieutenant Tyssen's last report of his proceedings and the condition of the islands up to the 6th of February last, in which he refers to one he had forwarded to you direct by the Essex merchant vessel.

As it appears by Mr. Tyssen's statements, corroborated by that from Captain Russell, that the horses on the islands trained for catching wild cattle are much reduced in number, and that those remaining are nearly worn out, and as he considers it indispensable that a fresh set of horses should be sent there as soon as possible, in order that a sufficient number of cattle may be taken in order to meet the probable demand for the ensuing season, I lost no time, on my arrival here, in sending directions to Commander Frankland, of the Pearl, now senior officer in the River Plate, to purchase and forward to Port Louis, from 16 to 20 horses, and six guacho saddles, according to Lieutenant Tyssen's request.

I also instructed Commander Frankland in the same letter, of which the Enclosure, No. 5, is a copy, to hire a party of guachos, should any volunteer for the islands, and send them by the same conveyance.

I am perfectly satisfied with Lieutenant Tyssen's proceedings and conduct, as far as they have come under my cognizance through his communications, and I have no doubt

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that he has done, and will continue to do, his utmost to fulfil the duties of his appointment; but the increasing number of residents, the disputes that are daily occurring, respecting the whale and seal fisheries, between the settlers and the American vessels resorting there, as well as the great concourse of merchant ships of all nations calling at Port Louis for refreshments, and in pursuit of traffic, together with the lively interest the settlement is rapidly creating, may probably induce their Lordships to take into consideration whether the time may not be now arrived when it would be greatly conducive to the prosperity of the islands, and beneficial to the public interests, to colonize them under a properly-constituted government, suitable to their peculiarities, with judicial authority to settle all questions of landed and other property, which cannot fail to arise where a great number of persons of different descriptions are collected.

I have, &c.
(signed) *E. D. King*,
Rear-Admiral and Commander-in-Chief.

To R. M. O'Ferrall, Esq. M. P.
&c. &c. &c.

(No. 1.)

Her Majesty's Ship Actæon, Berkeley Sound,
East Falkland, 14 Oct. 1840.

Sir,

AGREEABLY to your orders of the 15th August last, I put to sea in Her Majesty's ship under my command on the 18th of that month, and arrived at Monte Video on the 30th, when I immediately put myself in communication with Her Majesty's consul-general, for the purpose of carrying into effect, at that place, the orders I had received from you; but finding it impossible to obtain there what was required, I lost no time in proceeding to Buenos Ayres in furtherance of your orders; and after some difficulty, owing to the disturbed state of the country, succeeded in obtaining all the animals, &c. mentioned in your orders; viz., four entire horses, 12 ewes, two tups, 24 drakes and ducks, with hay and corn sufficient for their keep.

On the 25th September I sailed from Buenos Ayres, arrived at Monte Video on the 27th, and sailed thence on the 1st instant, in company with the Sparrow ketch; on the 8th anchored in Berkeley Sound, but owing to the boisterous state of the weather, the landing of the horses, &c. and the supply of provisions for the settlement, was not completed until this day. I shall now lose no time in proceeding to carry into execution your further orders.

I enclose my report of the state of the settlement in Berkeley Sound.

I have, &c.
(signed) *Robt Russell*, Captain.

To Commodore Sulivan, C. B. Senior Officer.

REPORT upon the State of the SETTLEMENT in *Berkeley Sound, East Falkland.*

ON my arrival here I took the earliest opportunity of visiting the settlement, and found its inhabitants to consist of 27 men and women, and 12 children. With the exception of the settlement-house (which is a very miserable one), the whole of the habitations are mere hovels. Building stone is abundant, and lime might be made from shells, of which there are considerable quantities strewed on the shores; but the great drawback to erecting any permanent or comfortable dwellings, is the want of wood, there being none in the island; and as few vessels visit the port, that article cannot be obtained, unless Her Majesty's Government make some arrangement for its supply, which I think would repay them, if they wish to colonize these islands.

There is peat fuel in abundance, and the island, as far as I have been able to see, is well adapted for grazing, but for agricultural purposes decidedly not, beyond the raising of vegetables, which in well sheltered situations, from what I can learn, thrive very well. At the present season of the year nothing in the shape of a vegetable is to be seen, the ground being covered with snow.

Having put myself in communication with Lieutenant Tyssen, and had his report respecting the wild horses lately caught and tamed, by which it appears they had turned out badly, I proceeded to inspect them, and found the Lieutenant's statement to be perfectly correct. It will be some years before they will be able to catch wild cattle on them, and the horses brought down in the Actæon to cross the breed, will not produce any material change for the better for a considerable period; the present run of horses being mere rats, without sufficient stamina in them. The old tame horses are completely done up; they were the property, as far as I can learn, of Don Louis Vernet, when the British Government took possession of these islands, and have been in constant use ever since. I am of opinion, therefore, that unless horses fit for the work of the guachos be speedily imported, the settlement will scarcely be able to obtain cattle sufficient for its own consumption, much less to supply refreshments to any ships that may touch here for that purpose.

The guachos have brought in 76 head of cattle since I have been here, most of them young. They caught a larger number, but owing to the corrals being in such a ruinous state

state, 48 escaped, and from the badness of the horses they were unable to retake them. The Sparrow will go to St. Salvador Bay as soon as possible to repair the corrals.

	Remaining.
Number of horses, originally Vernet's, about 62	23
Number of horses bred in the settlement	3
Number of wild horses tamed	6
Number brought by Actæon, studs	4
Settlement, mares	20
— foals	3
— fillies	2
Tame cattle, including calves in settlement, (23 of which are claimed by Antonina Roxa)	80
Wild cattle	71
Sheep	19
Fowls	none
Ducks	22
Pigs	8
Hides	1,100
Untamed wild horses, old	6
— young	2

After the payment of all expenses up to the present date, there will remain a surplus of only 50 dollars; and from the information I could procure, it would appear that the expenses of the island are increasing, more particularly on the part of the guachos.

There appears to be a misunderstanding about some few cattle given to a settler here by the name of Antonina Roxa, by Lieutenant Smith, in payment for work done by her on Government account, which cattle she has not been able to make use of, in consequence of some orders emanating from you (which orders or directions are not to be seen here). These cattle have increased to the number of 23, which I have had separated from the rest of the head of tame cattle, for the purpose of ascertaining exactly the number claimed by this person as her original stock, and their progeny; for unless the question be soon settled, she will lay claim to the greater part of the tame cattle in the settlement.

I enclose herewith a copy of an agreement made by Lieutenant Smith with the said Antonina Roxa, which I procured through Lieutenant Tyssen, whose ability, zeal, and active exertions for the improvement of the settlement, both publicly as well as privately, deserves the greatest praise.

(signed) *Robert Russell*, Captain.

H. M. S. Actæon, Berkeley Sound,
14 October 1840.

This is to certify that I made a verbal agreement with Antonina Roxa, in April 1834, if she would tame cows, that is, to make milch cows of those caught by the guachos, I would give her every other calf of every cow she tamed. I did this as I had no funds to pay her for her labour, and I followed in some measure the example of Mr. Louis Vernet, who gave the German families located under him every calf after the first. I thought that too extravagant, and only gave every other; and I do further certify that this woman's labour has been the means of my having so many tame cattle.

Her earnings, and the produce of them, are five cows, five cow calves, three oxen, and one bull, the whole of them known by my son and the capitay; that an account of every agreement has been rendered to the commander-in-chief for the information of the Government, and her right acknowledged.

Given under my hand this 6th day of April 1838, at Port Louis, Berkeley Sound, East Falkland.

(signed) *H. Smith*,
Add[l] Lieut. H. M. S. Dublin.

his
Witness, *Pierra Achille* × *Guillaume Gillivaci.*
mark.

(signed) *H. Smith.*

(No. 2.)

Port Louis, East Falkland Island,
16 January 1841.

Sir,

I beg to inform you, that I am duly authorized by George Thomas Whitington, esq. of 20, Adam-street, Adelphi, London, to take possession of certain lands, cattle, &c. on the East Falkland Islands, comprising 10 square miles, in Section No. 3, with other rights and privileges appertaining thereto, as fully specified in the documents which I am prepared to show, and I have now to request your Excellency will think proper to put me into quiet possession of the said property on behalf and for account of the said George Thomas Whitington.

I have, &c.

To his Excellency John Tyssen, Esq. (signed) *Jno. B. Whitington.*
&c. &c. &c.

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Settlement House, Port Louis, East Falkland,
18 January 1841.

Sir,

In reply to your letter of the 16th instant, in which you claim certain lands on the Falkland Islands on behalf of Mr. George Whitington, of London, I beg leave to inform you that I have no authority whatever from Her Majesty's Government to place you in possession of such lands.

I have, &c.
(signed) *John Tyssen,*
Lieut. commanding H. M. K. Sparrow, and Officer in charge of the Falkland Islands.

To Mr. Jno. B. Whitington,
Port Louis.

(No. 3.)

(No. 24.)

Settlement House, Port Louis, East Falkland,
5 February 1841.

Sir,

Having been directed to dispose of hides lying in store at this place in the most suitable manner to Mr. Whitington, who had offered to my Lords Commissioners of the Admiralty 8*s.* for the dry and 5*s.* for the salt ones, I proceeded to do so; but Mr. Whitington, on inspection, not finding them so good as represented, wrote to me on the subject, a copy of which letter I enclose; and being well aware that by keeping the hides in store they will gradually decrease in value, I embraced his offer, and have disposed of 324 at 4*s.* 4*d.* and 202 at 2*s.* 2*d.* each. Mr. Melville, of the schooner Montgomery, has taken 100 salted hides at 2*s.* 2*d.* each, being tolerably good; the remainder are very bad, and I intend using them for the settlement.

I have, &c.
(signed) *Jno. Tyssen,*
Lieut. commanding H. M. K. Sparrow, and Officer in charge of the Falkland Islands.

Thos. Ball Sullivan, Esq. C. B.
Commander, &c. &c.

Port Louis, East Falkland Island,
29 January 1841.

Sir,

I have examined the hides under your charge, and for which my brother in London proposed a price to the Admiralty; but from the state they are in, and their size and quality, it will be quite impossible for me to purchase them on those terms.

There are 324 sound dry hides, and 202 damaged dry ditto; for the former I now offer 4*s.* 4*d.* each, and for the latter 2*s.* 2*d.* each, and my bill on London for the amount, being the utmost it will answer my purpose to give for them.

The salt hides are in so bad a condition, that I must decline them altogether.

I have, &c.
(signed. *Jno. B. Whitington.*

To his Excellency John Tyssen Esq.
&c. &c. &c.

(No. 9.)

Sir,

Southampton, Rio Janeiro, 21 June 1841.

Lieutenant Tyssen, the officer in charge of the Falkland Islands, having represented to me that the horses trained for catching the wild cattle of the settlement are worn out, and requested that a fresh supply may be sent there as soon as possible, so that a sufficient number of cattle may be caught in time to meet the probable demand of the ensuing season, I enclose you a copy of the Lieutenant's letter, and as horses of the sort required are generally abundant and cheap in the Argentine and Oriental states, it is my direction that you purchase, either at Buenos Ayres or Monte Video, from 16 to 20 sound, young, and well-trained guacho horses, on the most favourable terms to the Crown, previously consulting with Her Majesty's minister or consuls on the subject, and attending to their recommendations regarding the best and most economical mode of proceeding.

You will also purchase six strong complete ricados or Spanish saddles, suitable to the work for which they are intended.

The horses should not be actually purchased until a passage for them be secured, to avoid the expense of keep.

Whilst the selection and purchase of the horses are in progress, you will inquire for and provide a conveyance for them to the islands, which I presume may be readily obtained at a reasonable rate amongst the numerous trading vessels that are, I learn, at present waiting for employment in the river.

You will draw for the amount of these purchases on the accountant-general of the navy, transmitting the necessary vouchers.

As Lieutenant Tyssen expresses a desire to have a few experienced guachos sent to the settlement, you will endeavour to obtain five or six persons of that class, who may volunteer for the islands, entering into a written agreement with them as to the precise amount of their wages, and the time they are to serve.

You

You will forward to Lieutenant Tyssen a copy of the vouchers of purchases, of the agreement with the vessel for conveyance, and of that, with any vouchers you may procure, transmitting similar documents to me, with a report of your proceedings on this matter.

I am, &c.,
(signed) *E. D. King*,
Rear-Admiral and Commander-in-Chief.

Capt. Frankland, H. M. Sloop Pearl,
Senior Officer, River Plate.

(No. 4.)

(No. 25.)

Settlement-House, Port Louis, East Falkland,
6 February 1841.

Sir,

SINCE my last communication to the Admiralty by the Essex, nothing of importance has occurred in the settlement which is not mentioned in my other communications. The gardens are looking tolerably well, turnip beds excepted. The young trees appear at present healthy; I have planted some others, which were brought me by Mr. Melville from the West Island. The guachos arrived from the camp, after being three weeks, with 100 head of cattle; but the poor old horses are in such a state, that I really imagine few of them will survive the winter; and, unless others are sent, it will be impossible to carry on the business of catching and taming the wild cattle. Gear for the horses is also much required, a demand for which, and other articles necessary for the settlement, I send herewith. The last recados, or Spanish saddles, sent from Rio de Janeiro, were very inferior, and not at all adapted for the work of the settlement. On the 30th of October last I gave permission to the capitaz of the guachos to proceed in his vessel on a cruise for two months, and told him if he brought any horses, which he thought of doing, I would give 30 dollars a head for every one landed. He has not yet returned; and I am afraid that either some accident has happened to him, or that he does not intend to return. I am now left with one Indian, a lad, and a woman called Antonina, whom I have been obliged these two last trips to send into the camp (she being willing), and therefore request that two other guachos may be procured, as the business of killing the cattle has much increased since the arrival of Mr. Whitington and his vessels, and have no doubt it will augment daily, as many vessels are expected to call at this port. I would recommend that guachos should be got from Buenos Ayres or Monte Video, and they should be men who thoroughly understand their business, as some of those here formerly were anything but guachos. I have no one at present to break in the horses. The horse-gear should also be procured at either of the above places, and the mission had better be entrusted to some one who is a judge of such articles, as the things required here for the hard work should be strong, and of the first quality. Those procured at Rio de Janeiro, which I demanded last year, are nearly worn out. The number of cattle in the settlement, including calves, is 230, and the average number killed weekly from six to seven. The sheep are looking remarkably well.

I beg leave respectfully to call your attention to the question of the cattle claimed by Antonina, who is naturally very anxious to know the result. I have considered it requisite to keep Mr. St. John, the senior mate, with me, as the rocks off the mouth of the Sound have been let, and vessels occasionally are seen cruising off that place. It is necessary to send a boat there, to prevent their taking the seals, and vessels arriving often require assistance in being piloted in coming up the Sound, and are apt to take the Channel if they follow the old charts. I beg leave to forward a journal of the proceedings of the settlement between the 7th of July 1840 and 6th February 1841; log of H. M. K. Sparrow between the 1st October 1840 and same date; check lists for crew of Sparrow employed on extra service, and a demand for articles for the settlement.

I have, &c.
(signed) *John Tyssen*,
Lieut. commanding H. M. K. Sparrow, and Officer in charge of the Falkland Islands.

To Thomas Ball Sulivan, Esq. C. B.
Commodore, &c. &c.

— No. 4. —

No. 4.
Lord Stanley to Lieut.-Governor Moody,
11 Jan. 1842.

(No. 3.)

* COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir,

Downing-street, 11 January 1842.

I TRANSMIT herewith, for your information and consideration, a copy of a letter which has been communicated to me by Her Majesty's Commissioners of Colonial Lands and Emigration, as having been addressed to them by Commander Sulivan, relating to various questions connected with the colonization of the Falkland Islands.

8 Jan. 1842.
15 Dec. 1841.

I am, &c.
(signed) *Stanley*.

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* For Lieutenant-Governor Moody's reply to this despatch, *vide* p. 73.

FALKLAND ISLANDS.

Encls. in No. 4.

15 Dec. 1841.

Enclosures in No. 4.

Colonial Land and Emigration Office,
9, Park-street, Westminster, 8 January 1842.

Sir,

We have the honour to transmit herewith, for Lord Stanley's information, the enclosed letter from Commander Sulivan, respecting the Falkland Islands.

In a settlement so recently formed as the Falkland Islands, the remarks of gentlemen who have enjoyed such opportunities of observation on the spot, cannot be otherwise than valuable.

The principal subject of Commander Sulivan's letter requires too great variety of local knowledge for us to undertake to pronounce an opinion upon his views respecting it; but we would beg leave to offer our suggestion that the letter be forwarded to the officer administering the government, for any use which he may be able to make of it in considering the difficult question of the management of the wild cattle, or indeed any of the other topics upon which the letter touches.

We have, &c.
(signed) *T. Fred. Elliot.*
Edward E. Villiers.

James Stephen, Esq.
&c. &c. &c.

Gentlemen,

Bridgetown, Totness, 15 December 1841.

I hope you will not think I am taking too great a liberty in offering to you a few remarks on the recommendations contained in your letter of 30th March 1841, to J. Stephen, Esq. respecting the colonization of the Falkland Islands. Having been there in the Beagle, under Captain Fitzroy, and having since commanded a vessel myself, employed carrying on the survey of the islands, I naturally take a very great interest in them, and this induces me to trouble you on the subject, supposing that if the plan proposed is not yet carried into effect (more especially as to the disposal of the wild cattle), you may not be unwilling to receive any additional information on the subject. The first point is, the most eligible spot to fix on as the seat of head-quarters of a settlement; for which purpose no port can be put in comparison with Port Louis, if the supply of ships calling at the islands is made the principal object; for at no other would ships be likely to touch, as it is so very easy of access, and can be entered and left with almost any wind, without any risk of getting on a lee shore, and without going among any of the numerous small islands which make the approach to many of the other ports more difficult for strangers. Port William, at the entrance of Berkeley Sound, is equally easy of access, but it can never be of any value as a port, beyond forming a stopping place either for the night or very bad weather for vessels going up Berkeley Sound to Port Louis, or for a fishing and sealing establishment. The reason of this is, that it is surrounded by very swampy land, which flanks the Quark Hills, and which is almost useless. There are a few narrow slips of better land, but not sufficient to supply a town of any size, or the vessels that would call there. I mention this because you seem to doubt whether it might not have been preferable to Port Louis as a situation for the principal settlement. Port Louis is also bounded on both sides by the same kind of swampy land, but between the two ridges and immediately round the settlement there is a large tract of good land, where cultivation on a small scale could be carried on for the supply of the town and ships, leaving grazing land sufficient for a supply of cattle for the same purposes. For the formation of grazing or agricultural farms to any extent, settlements must be formed on the extensive level country to the southward of the high range of hills which runs across the east island, or in the north-west part of the island, round the port of San Carlos, where tracts of land to any extent may be obtained, fit either for grazing or agriculture. In many cases thousands of acres of good land are so nearly surrounded by navigable creeks as to be easily cut off from the mainland by a ditch or fence, thus forming most desirable grazing farms, where cattle would be safely kept with little expense or labour. I almost fear to offer an opinion on the disputed question whether corn will ripen there or not; but if (as I have been informed since my return) the temperature is sufficient, provided the sun is not too much obscured, I think there can be little doubt but that corn would ripen. I have no hesitation in saying that the sun shines there two hours for every one it shines in England, though great part of the time it may be blowing a gale of wind. In proof of this I may mention, that from the first of November 1838 to the 1st of March 1839, a period of 120 days, 90 days were quite fine, and on 20 days more it was only showery, with long intervals of warm sunshine between; indeed out of the remaining ten days only four would be considered rainy days; yet residents on the islands assured me it had not been a finer summer than usual. The mean temperature of January and February was 53° and 51°, the maximum 67° and 65°. In previous summers the thermometer had been registered above 70°. I should myself fear the want of water for crops more than the want of sun, for so little rain fell during the summer, that most of the small streams and ponds were dried up in the cattle country to the southward of the hills, and large tracts were in consequence deserted by the cattle, where in the winter they had been very numerous.

With

With regard to the important question of the best course to pursue with respect to the wild cattle, will you excuse my taking the liberty of saying, that from the experience I had during six months I was surveying in the heart of the cattle country, I do not think the plan proposed of granting licences to catch cattle in particular districts can possibly be carried out in such a manner as to give satisfaction either to the government or the settlers. In some of the best districts the sight of a vessel or a horseman is sufficient to drive the herds of cattle many miles off, where they soon get mixed up with others; and if the owner of one district were to follow cattle of his own to the property of others, it would lead to innumerable disputes. In some few cases, with great care, some herds of cattle might be cut off and secured on points nearly surrounded by water; but then there would be little difficulty in catching, marking, and selling them, either to a person who would also take that piece of land, or who, after keeping them there long enough to become a little tame, would drive them to some other part. The guachos who were there in the government employ used to receive one dollar for each head of cattle they brought into the settlement. Though a small number only were required during the year, and they had to drive them from 30 to 50 miles, crossing the high range, in doing which they lost more than half they had caught, and sometimes nearly all, in the swamps which extend even to the summits of the hills. Were a larger number required, and these merely taken from one part of the low country to another, they might be caught at a much lower price per head. If the government was to retain the management in their own hands, and supply the settlers with cattle at a fixed price, say from 2*l.* to 4*l.* per head, a large profit might be made, as after every expense (the heaviest of which would be taking horses down from Monte Video), I do not think it would cost the government above 10*s.* a head to obtain any number of cattle. The price at present charged to ships calling at the islands is 2*l.* a head, but they are generally small animals, of from four to five cwt., whilst a large portion of the wild cattle are double that size; a price, varying from 2*l.* to 4*l.* with the size of the animal, would therefore not be too high.

I do not think it would (as you suppose) be at all desirable to destroy the large number of bulls, which, having been turned out of the herds, wander in parties of from two or three to a dozen in number, over every part of the island. I understand that in the Pampas of Buenos Ayres they consider one year a sufficient time to change even an old bull, so as to make his hide and flesh of equal value with that of an ox; so that by cutting a large number of these bulls, after one year it would be unnecessary to kill the cows for the purpose of supplying the settlers, &c., which has hitherto been done, and which must still be done by new settlers, until a stock is reared, unless the bulls are made available for the purpose.

May I therefore take the liberty of suggesting, that it would be more desirable your second proposition, "That the government should keep the management of the cattle in its own hands," should be adhered to; that a small party of guachos (in proportion to the probable demand for cattle) should be placed under the governor; and that when a settler had taken a piece of land, and provided means for securing the cattle when once in his possession, the guachos should secure the number of cattle he required, and deliver them to him on his land; half of them should be bulls, which should be cut for him by the guachos, and all should be marked, both with the government and owner's mark, and their horns cut. The two or three tame cattle used by the guachos to assist in driving the wild ones, should be left with the herd sold; a stock of tame ones for this purpose would have to be kept on a government farm. When not wanted to catch cattle for sale, the guachos might be employed cutting the "outlying" bulls wherever they found them, and catching others to add to the stock on the government farm, from which settlers would be supplied (when small quantities were required) without sending out to catch wild ones. At first one of these establishments in the neighbourhood of the first settlements would be sufficient; and when required, others might be formed on different parts of the island. In addition to the guachos, a few cattle-keepers would be required, who might be taken from the settlers; and to each farm a capitay, or superintendent.

I will now endeavour to form an estimate of the probable expense of this plan; the superintendent might receive a fixed salary, or share with the guachos the head-money paid for the cattle caught; perhaps the former would be the best plan. I have no doubt that respectable young Englishmen way be found at Monte Video, or Buenos Ayres, who are accustomed to the management of cattle farms, and who would gladly accept such a situation, with a salary of 150*l.* a year.

Two cattle-keepers would be sufficient for each farm; their wages would depend very much on the state of the colony, but 50*l.* a year each would be the outside. The number of guachos would depend entirely on the demand for cattle; but allowing four at first, and making every allowance for bad weather in winter, rest of horses, &c., they would bring in, on an average, from 50 to 70 head every other week, or about 3,000 head in a year. This is a very low estimate, as three guachos have caught in two days 80 head, and in the next three or four days have gone to the opposite side of the island, and caught 60 more, though their horses were in a very bad condition. I will suppose that they receive one dollar a head for bulls, including cutting (this has hitherto been paid a dollar extra for), and half a dollar for cows, which would be quite sufficient.

I now come to the principal expense, viz., the taking horses down from Monte Video. At present there are few on the islands worth much, and the wild horses are not strong enough for the lasso, though by crossing their stock with horses from the Pampas, or from England, they will probably in a few years answer every purpose. Good horses may

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be obtained in the River Plate, at from 2*l.* to 3*l.* each, and if they were taken down to the Falklands in a ship of war, they might be landed there for less than 5*l.* each, probably under 4*l.*; a frigate would take down about 20 without difficulty, the passage being little over a week. For each guacho and the superintendent six horses would be required, or 30 for each farm, which at 5*l.* a head, would be 150*l.*; but this must be divided among the number of years the horses would last, which at the very least would be four years. Perhaps one fourth of the number might be replaced by others yearly; their keep would cost nothing, as they are only fed on grass; so that 40*l.* a year would cover the expense, after the first outlay of 150*l.*

A small sum would also be required for the purpose of building a house and corral (cattle pen); but this might be done by the artificers of ships of war on the station, the wood being brought over from Terra del Fuego; I should think 200*l.* would be quite sufficient and 50*l.* a year would keep all in good order. The whole expense would be as follows:

	£.	*s.*	*d.*
First outlay for buildings and horses	350	–	–
Annual Expense:			
Ten per cent. on first outlay	35	–	–
Superintendent's salary	150	–	–
Two cattle-keepers	100	–	–
Catching 1,500 bulls (including cutting) at 4*s.*	300	–	–
Ditto – – cows – – – – – – at 2*s.*	150	–	–
Annual repair of buildings	50	–	–
One fourth of horses to be replaced	40	–	–
Total Annual Expense	825	–	–
Sale of 3,000 head of cattle at 3*l.* per head	9,000	–	–
Total Profit £.	8,175	–	–

Or about 2*l.* 15*s.* on each head.

I think, gentlemen, this will show that at the lowest computation 2*l.* 10*s.* may be made by government for each head of cattle. If double the number of cattle were wanted, the horses and guachos must be doubled, the expense per head being the same. If after all it should be thought not advisable for government to take the management, no contract should be entered into either with a company, or for catching the cattle in particular districts (if that were possible), that would not bring a revenue of at least 2*l.* a head to the government of the islands. The yearly increase at present cannot be under 10,000 head of cattle, and is probably much more; that number might be sold yearly (if there were settlers enough to require them), at a profit of above 20,000*l.*, without decreasing the present stock.

Should such an establishment be formed, and after all there should not be settlers enough to make it pay by the sale of cattle, a profit sufficient to cover the present expences of the island may be made by killing a sufficient number of cattle, and sending home their hides and tallow, which, after freight, insurance, &c., would bring a clear profit of 1*l.* for each head. A small salting establishment might be added, for supplying the ships of war on both sides of South America and the Cape, instead of sending them salt beef, at an expense of 6*d.* per pound; many ships would also call there if they found they could get salt beef at about 1½*d.* or 2*d.* per pound. In fact, I do not see how any experiments made, could possibly cause a loss to Government, even if not one single settler goes to the island.

I fear, gentlemen, I have been led on (by the interest I feel in the subject), to a much greater length than I ever intended. I have written it in such a hurried manner, that I have no doubt some objections may be made to some of the detail; but of the success of the main objects of the plan I should have no doubt were it tried.

If you think the subject worthy of your further consideration, I shall feel honoured by any communications you may please to make, or any questions you may think proper to ask. Had I been aware of the correspondence which has taken place, when I was in town a few weeks since, I should have taken the liberty of writing you on the subject; but it has only been known to me since my return home.

I have, &c.

(signed) *B. J. Sullivan,*
Commander, R.N.

The Colonial Land
and Emigration Commissioners.

— No. 5. —

No. 5.
Lieut.-Governor Moody to Lord Stanley, 16 January 1842.

(No. 1.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Port Louis, Falkland Islands,
16 January 1842.

My Lord,

I HAVE the honour to inform your Lordship of the safe arrival of myself and party at these islands, happily without any case of sickness or accident of any description.

We came to an anchor in this port yesterday afternoon, and as this despatch will be forwarded by the brig Susan, Alley, master, bound for Rio de Janeiro, and to sail early tomorrow morning, I am unable to convey to your Lordship any further information of importance by the present opportunity.

I have, &c.
(signed) *R. C. Moody*,
Lieutenant Royal Engineers, Lieutenant-Governor.

— No. 6. —

No. 6.
Lieut.-Governor Moody to Lord Stanley, 5 March 1842.

(No. 5.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
5 March 1842.

My Lord,

I HAVE the honour of forwarding for your Lordship's information the following account of my proceedings since I arrived at these islands.

1842:

The brig Hebe anchored in Port Louis on the 15th January, and I immediately went on shore to confer with Lieutenant Tyssen the naval officer in charge of the islands. Saturday, 15 Jan.

I expressed to Lieutenant Tyssen my wish to visit Port William, with the view of ascertaining whether it might not be advisable to make my selection at once between it and Port Louis, as the place of immediate residence; and as it formed part of my instructions to obtain the aid of a judicious naval officer in forming my opinions as to which port is the best adapted to be the chief one in the islands, I requested Lieutenant Tyssen to accompany me thither overland; he readily acceded to my request, and dispatched two marines to recal H. M. K. Sparrow from Port Pleasant.

In the interval of waiting for the ketch, I occupied myself in reading the official correspondence connected with these islands, during the period of their being under the charge of the Lords Commissioners of the Admiralty, referring to Lieutenant Tyssen for such further information or elucidation as he could afford me.

The Sparrow arrived at Port Louis on the evening of the 19th, and got under weigh the following morning for Port William, having on board a portion of the detachment of Royal Sappers and Miners. Thursday, 20 Jan.

Lieutenant Tyssen and I started at daybreak on the same day, and rode leisurely overland, enabling us to inspect the country on our route.

From the length of the day, we arrived in sufficient time to examine a portion of the harbour of Port William.

Assisted by Lieutenant Tyssen, I continued my inspection of the port, landing at many points, and turning the ground to examine the nature of the soil and subsoil. While we were thus employed, Mr. Halloran, the master of H. M. K. Sparrow, was engaged in sounding the harbour, and particularly the entrance and inner water of the lagoon. Friday, 21 Jan.

I take the liberty of referring your Lordship to my general report, in which my observations upon this subject will be fully expressed; at present it may be sufficient to mention, that after a careful inspection of the port, and consideration

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of the subject on every point, I am of opinion that Port William is much better adapted as the site of the chief town in this colony than Port Louis; but I did not consider that it would be advisable for me to act upon this conviction, and fix my residence there at once, from the lateness of the season, which would not afford me sufficient time to settle myself and party before the winter commenced. I was, moreover, desirous of availing myself of the short time which remained before it would become necessary for H. M. K. Sparrow to sail for Rio de Janeiro, to visit in her as much of the islands as possible, Lieutenant Tyssen being ready and obligingly anxious to afford me every assistance in his power.

1842:

iday, 21 Jan. I returned to Port Louis overland.

turday, 22 Jan. I formally landed, under a salute from Her Majesty's ketch Sparrow, was received at the beach with due honours by Lieutenant Tyssen, and proceeded to the Government-house, where the few residents being assembled, I addressed myself to them, explaining as much as I thought proper of the views of Her Majesty's Government concerning these islands, in so far as I have had the honour to be informed.

The only points upon which I deemed it necessary to lay any stress were, first, to remove the erroneous ideas that might still linger in the mind of any one concerning Mr. Vernet's fancied claims upon Great Britain: I have been given to understand that some of the residents have claims upon Mr. Vernet, many of his paper dollars being in their possession, and some even in the government treasury of the colony, handed over to me by Lieutenant Tyssen. The second point was, to dispel the dread they appeared to entertain of my being sent to make great changes, by which they would all become sufferers. I hope that this fear no longer exists, as I took some pains to explain to them that the views of Government contemplated their welfare, peace, and security. A French whaler, the Fannie of Havre, commanded by an American of the United States, was in the port, but he did not attend the meeting.

unday, 23 Jan. Sunday.

Monday, 24 Jan. I proceeded to take over from Lieutenant Tyssen all the stores belonging to government, a list of which, with remarks, will be forwarded with the report. I also inspected the herd * of cattle and troop of horses belonging to government, and ordered certain cattle belonging to different individuals, and grazing with the government herd, to be branded with their owners' names, and which was accordingly done in my presence.

I may here remark, that hitherto permission has been granted to settlers to herd their cattle with those belonging to government: this practice originated in kind consideration of the poverty of the settlers, and their inability to keep their own cattle separate, from the want of proper inclosures.

Tuesday, 25 Jan.
Wednesd. 26 Jan.
Thursday, 27 Jan.
Friday, 28 Jan.
Saturday, 29 Jan. During this period every opportunity was taken to continue the landing of the stores from the brig, the weather being in general very boisterous; by Saturday evening every thing was landed.

Sunday, 30 Jan. Sunday.

Monday, 31 Jan. From Monday the 31st of January to the 10th of February I was principally engaged in making general arrangements for the future duties of my party, and employed the intervals of the time which elapsed before I could feel myself justified in leaving them, in examining different portions of the country within reach.

Thursday, 10 Feb. Embarked on board Her Majesty's ketch Sparrow, and sailed the same day for the West Falkland.

Friday, 11 Feb. Arrived late in the evening at White Rock harbour, West Falkland.

Saturday, 12 Feb. Landed and examined the soil; also landed at two islands, upon which it was supposed that coal might be found; but I only discovered what may be termed

* The herd of cattle here mentioned, is the herd kept up for the supply of beef to the settlement and to ships; they are brought in from the wild herds in the interior by the guachos, for whose service are the troop of horses also alluded to.

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termed "charred peat," the islands having been burnt some years previously.

At midday got under weigh, and after repeated endeavours to reach Port San Carlos, in the East Falkland, we were obliged to return, the tide and wind being too strong against us to enable us to weather Fanning's Head. This might frequently happen to others, not so well manned as we were, and consequently it would be one objection to any place in Falkland Sound as the site for the chief town.

Early in the morning of this day, while in White Rock Harbour, two men hailed the vessel from the shore, and on coming on board proved to be two Americans of the United States, who had ran away from the American brig Enterprise fourteen months ago, she being then at the southern extremity of West Falkland; they were examined in my presence, and I take the liberty of enclosing a letter addressed to me upon the subject by Lieutenant Tyssen. The medical officer on board the Sparrow reported them to be in perfect health: this fact speaks very favourably for the healthiness of the climate, and even of its mildness in winter in general; because the last (the one to which they were exposed) was unusually severe, and this past season has been worse than any summer yet known to the inhabitants of ten years standing.

12 Feb., 1842.

In my general report, I shall take the liberty of writing very explicitly concerning the Tussac plant, upon which they partially existed. It is a large grass, of inestimable value to these islands, affording the most nourishing sustenance to cattle, horses, sheep, and pigs, and the roots are grateful food for man, whether raw or boiled; it grows luxuriantly in the worst peat-bog, and loses the spots most exposed to the sea-breeze and spray. It is in abundance on all the shores.

1842:
Sunday, 13 Feb. We got under weigh from White Rock Harbour, and, passing Fanning's Head, anchored in Port San Carlos; the remainder of the day was too wet to land.

Monday, 14 Feb. Tuesday, 15 Feb. Wednesd. 16 Feb. During these three days the weather was very fine, and I was enabled to inspect some portion of this part of the East Falkland with great care. There were many cattle in the neighbourhood, and the land in many places is of excellent quality.

This port, though not extensive, will be always a favourite one with coasting vessels, from its great security, and the shelter it affords.

Thursday, 17 Feb. We weighed, and passing down a portion of the Sound, or, more correctly speaking, Straits, between East and West Falkland, anchored in Sussex Harbour, near Mount Usborne, in East Falkland. We landed in the evening, and I examined the land in the neighbourhood.

Friday, 18 Feb. I started early in the morning, and, after passing over about five miles of remarkably good land, ascended Mount Usborne, the highest mountain in the island.

The view from the summit being very extensive in every direction, and the day remarkably fine, I was enabled to obtain a good knowledge of the general features of the country.

With my glass I also saw many herds of wild cattle; at one time during our ascent we were quite surrounded by them.

Saturday, 19 Feb. We sailed from Port Sussex, and sailed for Port Howard in the West Falkland. It was nearly a calm, and we only reached Port Howard late at night.

Sunday, 20 Feb. We sailed from Port Howard, and passed down the Straits (called Sound in the chart), through the numerous low islands, all apparently of good soil, and anchored between an island and the south-west extremity of East Falkland. Towards the evening the fine weather, with which we had hitherto been favoured, entirely deserted us, and on the whole of the following day I was compelled to remain on board from the extremely boisterous state of the weather.

Monday, 21 Feb. Tuesday, 22 Feb. The weather continued stormy, and finding it a matter of some uncertainty, if not impossibility, whether we could proceed further to the south without remaining many days in our present bad position, the commander considered it advisable to bear up for Port San Carlos, which we reached in the evening. I was gratified to find Her Majesty's surveying ketch Arrow, Lieutenant Robinson, R. N. commander, in the port, partly in the hopes of meeting with us, as he

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he had noticed a beacon fire which we had lighted on Fanning's Head in order to attract him; but he had not seen it for some days after it had been lighted, or he would have been there before.

Wednesd. 23 Feb. Lieutenant Robinson visited me on board the Sparrow, and I questioned him concerning the advantages of Port William as a port, as well as the advantages of all the other ports with which he was acquainted. It gives me great pleasure to be able to inform your Lordship that I received from him and Mr. Bodie, master of the Arrow, much valuable information; I feel greatly indebted to Lieutenant Robinson for the manner in which he took every pains to put me in possession of the local knowledge he has of these islands; and he has greater advantages in that respect than any one else, from being always on the move among them, carrying on the valuable nautical survey.

From Mr. Bodie I also gained much information concerning the numbers of the wild cattle, and I am inclined to rely more upon his report in this respect than upon that of any one else, as he has traversed much of the islands on foot, and is an experienced cattle-hunter, the crew of the Arrow having to supply themselves with fresh beef by hunting.

Mr. Bodie has also been in the Arrow from the commencement of the survey, and, from his carrying on much of the out-of-door details, he has traversed nearly the whole coast of the east islands, and consequently had frequent opportunities of seeing the herds. He thinks that the number of the wild cattle are about 30,000; but at the same time expresses his opinion with great hesitation, as, he justly observes, it is a very difficult matter to determine.

Thursday, 24 Feb. Weighed anchor and steered for the south arm of the San Carlos River, which is a deep indentation of the sea, almost unconnected with the river. Her Majesty's ketch Arrow accompanied us. The weather continued to be stormy.

Friday, 25 Feb. I landed and examined the ground in the neighbourhood, Lieutenant Tyssen and Lieutenant Robinson accompanying me.

Saturday, 26 Feb. The weather still stormy, and the wind against our getting down the Straits.

Sunday, 27 Feb. The Arrow returned to Port San Carlos.

Monday, 28 Feb. We got under weigh and beat down the Straits as far as the north-west islets, but hard gales obliged us to put back to the south arm of the San Carlos River.

Tuesday, 1 Mar. I determined upon returning to Port Louis as soon as the crew of the Sparrow had killed what Lieutenant Tyssen considered to be a sufficient number of cattle to supply the ship's company with fresh meat rations.

Wednesd. 2 Mar. The men brought in the cattle they had killed on the day before.

Thursday, 3 Mar. Weighed for Port Louis.

Friday, 4 Mar. Arrived in the morning at Port Louis.

Saturday, 5 Mar. Engaged in preparing despatches and letters against the time of Her Majesty's ketch Sparrow sailing for Rio de Janeiro.

I have to regret exceedingly that the unusually bad state of the weather should have so much frustrated me in the prosecution of inquiries upon which to found my general report to your Lordship, and as there appears to be no prospect of the weather improving before the winter completely sets in, I fear that I shall be prevented from making further excursions to any distance by land, and there are no vessels to convey me by sea.

What I have seen, however, with the information upon which I think I may rely, will enable me, I hope, to forward a faithful and a full report concerning the adaptation of these islands to the purposes of colonization.

I have, &c.

(signed) *R. C. Moody*, Lieut.-Governor.

FALKLAND ISLANDS.

Encl. in No. 6.

Enclosure in No. 6.

Her Majesty's Ketch Sparrow, White Rock Harbour,
West Falkland, 12 February 1842.

Sir,

I HAVE the honour to acquaint your Excellency that this morning, observing two persons on the beach at this place, I sent a boat for them, and brought on board two seamen, late belonging to the American brigantine Enterprize, who left that vessel some time since on this island, and beg leave to enclose their statements for your Excellency's information.

I have, &c.
(signed) *John Tyssen*,
Lieut. Commanding.

To his Excellency Richard C. Moody, Esq.
Lieutenant-Governor of the Falkland Islands.

Henry Whiteman, native of Great Britain, aged 18 years, and *Samuel Profit*, native of New Providence, U. S., aged 24 years, state :—"That on the 18th or 28th of December 1840, they left the American brigantine Enterprize, John Green, master, in company with another seaman named John Bray; that, to the best of their knowledge, they landed with the brigantine's dinghy in Queen Charlotte's Sound, West Falkland; that the cause of their leaving the said brigantine was discontent at their treatment; that John Bray, after various disagreements amongst themselves, separated from them about two and a half months after their landing; that they subsisted on the wild fowl of the island, seals, roots of the tussock (daily), and the berries of the heather; that they were healthy and did not experience any very severe weather (in comparison with the winters in the United States); that, with the exception of two days, they ate their victuals raw, being unable to procure fire; that at times they were attacked by the warrahs or foxes, and killed 12 of them."

When they were brought on board H. M. ketch Sparrow, at White Rock Harbour, they were in a good state of health, but from the middle downwards were without clothing, and the upper parts were barely covered with rags.

(signed) *John Tyssen*,
Lieutenant Commanding.

12 February 1842.

— No. 7. —

No. 7.
Lieut.-Governor Moody to Lord Stanley,
14 April 1842.

(No. 14.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
14 April 1842.

My Lord,

I HAVE the honour to lay before your Lordship the following Report upon the Falkland Islands, in which I have chiefly considered the prospects they offer to British subjects desirous of emigrating.

With regard to the use of which they could be made to merchant vessels sailing round Cape Horn, and indeed to whalers and all other vessels in these seas, in affording them a port for refit and refreshment, I fully concur in the opinions expressed by the Commissioners of Crown Lands and Emigration in their letter addressed to Mr. Under-Secretary Stephen, dated 22d August 1840.

For Report from Colonial Land and Emigration Commissioners, 22 August 1840, vide Falkland Island Papers, ordered to be printed 27 August 1841, No. 3, p. 7.

The geographical position of the islands is so convenient, the numerous harbours in them so excellent, especially the most leeward one, Port William, that the advantages they could be made to afford to shipping in these seas has never failed to strike all persons who have given their attention to the subject, commencing with Lord Anson, the first person that appears to have drawn the public attention to the great value of this portion of the British dominions. It will be only necessary for me to add upon this point, that even now many ships do call in for refreshment, particularly American, and French vessels commanded by Americans; and from all that I have been able to learn from masters of vessels trading round Cape Horn, and from other sources, many more vessels would call in if they were sure of receiving the assistance they might stand in need of in the way of provisions or repairs. By vessels from the Australian colonies such a half-way port will be highly valued when the islands are better known.*

Advantages to shipping.

The

* Vessels can at present obtain plenty of beef and water; the first very cheap (2 *d.* per lb.), and the latter very expeditiously and readily. For further refreshment, fresh fish and wild fowl are in the greatest abundance, as well as many antiscorbutic plants, wild celery, sorrel, and an excellent spinach. These wild vegetables and wild fowl, with good water, may be obtained in any harbour among the islands.

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The fear of the difficulty in making these islands, arising from long-established prejudices and want of good charts, is now fast dying away. The admirable nautical chart commenced by Captain Fitzroy, and continued by Lieutenants Sulivan and Robinson, Royal Navy, now affords a means of acquaintance with these islands not surpassed by that of any ports or harbours in the world.

An inspection of this chart will show how full the islands are of excellent harbours, and how completely all the hidden dangers are naturally buoyed by the kelp.

One objection that masters of vessels make to calling, is the delay in beating up Berkeley Sound to the present seat of government, the prevailing winds being westerly and generally strong. The same objection does not apply to Port William, which is easy of access and egress at all times, and a few tacks would bring any vessel to a secure and convenient anchorage.

Military strength.

Any comments upon the political importance these islands derive from their geographical position would be superfluous from me in addressing your Lordship, but it may not be out of place to notice that, in addition to their advantageous position, nearly all the most important harbours in the Falkland Islands possess, from their formation and that of the ground enclosing them, exceedingly great natural strength in a military point of view.

Previous to stating the opinions, I am inclined to entertain concerning the prospects these islands afford to persons desirous of emigrating, I take the liberty of laying before your Lordship the following general description of them, their climate and natural productions as such description will offer for your Lordship's information the chief data upon which I have formed those opinions.

Geographical position.

The Falkland Islands, situated between 51° and 53° south latitude, and 57° and 62° west longitude, consist of two principal islands, the East and West Falkland, with a considerable number of others of different sizes, clustered around them and in the straits between them.

Length, breadth, and areas of the islands in the group.

The greatest length of East Falkland is about 95 miles, the mean 85; the greatest breadth about 53 miles, the mean may be averaged at 40. The West Falkland is about 80 miles in length; the width varies considerably, but 40 miles may be considered the greatest, and 25 miles the mean.

The remaining islands, about 200 in number, vary very considerably from 16 miles in length by eight in breadth, to mere islets of half a mile in diameter.

The whole group is deeply and variously indented by sounds, bays, harbours, creeks, and inlets; perhaps there is no spot in the whole world so singularly irregular in its coast-line, and so full of harbours and creeks as the Falkland Islands. This formation diminishes the area considerably, but at the same time it presents more than counterbalancing advantages.

The area of East Falkland may be roughly computed at about 3,000 square miles, the area of West Falkland, the nautical survey of which is not yet completed but in progress, may be estimated at about 2,000 square miles, and the whole group, East and West Falkland, with all the surrounding islands, at about 6,000 square miles.

Map.

East Falkland is the island best known at present, and with the aid of the accompanying Map, I trust that I shall be enabled to explain its physical features.

Description of the surface of East Falkland.

A chain of high hills, called the Wickham Heights, and which may almost be termed mountains, runs across the island in a due east and west direction from Port William to Port Sussex. Mount Usborne, the highest hill in the range, is stated in the nautical chart to be about 2,300 feet above the sea, the other hills vary in height from 800 to 2,000 feet.

The hills are nearly continuous, with but few passes between them, and their summits are either in ridges or points, but seldom rounded and never tabular. They are all formed of stratified quartz rock, and are extremely rugged at the summits, some of the rocks being of the most wild and fantastic forms.

To the northward of the Wickham Heights, and in a parallel direction, is a lower range of hills of a similar character. Of this range Mount Simon is the highest, computed at 1,600 feet above the sea.

The hills on the south side of Berkeley Sound are in the same line as the Mount Simon range, but separated from it by an arm of Salvador Bay

Between

Between the Simon range and the Wickham Heights is a longitudinal valley, about three miles in width and 25 in length *, extending from the arm of Salvador Bay to the northern base of Mount Usborne, from thence it inclines to the northward, and completely separates the two ranges.

These two ranges may be considered as the mountain land of East Falkland, and extending completely across the island, they render the communication from north to south difficult by land, not so much on account of their height and steepness as from the ruggedness of what can only be styled the "streams and fields of stones," which together with patches of mountain bog, cover a great portion of the tops and sides of the hills; hereafter, however, good roads may be constructed with facility, and of a gentle ascent. The stones on the mountain sides are of a convenient size for the bed of a roadway, and to form dry stone embankments; when broken they would also make good road metal for a macadamized surface.

There is another chain of hills to the northward of the Wickham Heights only partially continuous, the general direction of which is also east and west. It extends along the north side of Berkeley Sound, and from Port Louis trends away to Marville Bay; further on to the westward are occasional hills and high ground in the same general direction.

Between these last-mentioned hills, marked *a.* and *b.* in the map, and the Simon range, is the opening of Berkeley Sound, and the extensive Port Salvador, with its numerous arms.

Between Berkeley Sound and Port San Salvador the ground is comparatively low and undulating, with many vallies and watercourses. From the shores of Port San Salvador to the mountains on the south and the hills on the north, the ground is of the same character.

The north coast of East Falkland, from Cape Dolphin to Cape Carysfort, and extending back to the hills *a. b.*, is but slightly elevated, with a rocky shore and continuous line of cliffs, of from 40 to 50 feet in height: the surface of the ground is undulating.

The ground round Fanning's Head is generally hilly, and the head is a fine bold hill, rising abruptly from the sea: it is a prominent object from all parts of the Straits between East and West Falkland.

The character of the country to the south of the Wickham Mountains is extremely simple; from the base of the mountains to Eagle Island inclusive, it is one continued undulating plain, deeply indented by sounds, harbours, and creeks; there is no decidedly flat land, but a series of shallow vallies, each with its rivulet. The shores are either muddy or sandy †.

All the islands to the south and in the Straits partake of the same character. The contrast between the country north and south of the Wickham Mountains is very remarkable. Port William readily communicates with either, being at the eastern extremity of the dividing range.

General description of the surface of West Falkland.

Of the interior of West Falkland there is not much known; the information I received from the two Americans who were taken on board of Her Majesty's ketch Sparrow, while I was at White Rock Harbour ‡, was of too vague a nature to be much relied upon, although from their account they must have crossed and recrossed it in many places during the 14 months they were wandering upon it.

From the coast the island appears upon the whole to be more hilly, and the hills to be more rounded, lumpy, and isolated than those in the East Falkland. Those which I have seen appear to possess the same geological character, viz. varieties of quartz rock; and their height may be assumed as varying from 800 to 1,800 feet, but none appear to be so high as Mount Usborne.

The principal range § is on the eastern side of the island, and runs in a contrary direction to those in East Falkland, its general bearing being north and south, and extending from White Rock Harbour to Fox Bay, parallel to the coast line, and at a distance from it of about three miles.

There is also a very remarkable rugged ridge of quartz rock, about 150 feet in

* Which I have named "Matson Valley" in the Map.

† Chiefly muddy.

‡ *Vide* Despatch, No. 4, 5th March 1842.

§ Which I have named the "Hornby Hills" on the accompanying Map.

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in height, which rises abruptly from the sea, and follows the coast line from above Port Howard to Fox Bay, a distance of about 40 miles. Between this ridge and the range of hills is a longitudinal valley, intersected occasionally by high land (the roots of the range). Port Howard and Shag Harbour are in this valley, and their entrances are through very narrow openings (about 400 and 200 yards in width respectively * in the ridge. Edgar Ridge, farther to the south, appears to be of a similar character, and the opening into Port Edgar is not more than 280 yards in width.

The north coast of West Falkland consists of long islands, extending east and west, with narrow openings between them, of which Tamar Pass and the entrance to Port Egmont are the most remarkable.

Upon these islands are isolated hills, of conical and lumpy forms, rising abruptly from gently undulating ground.

The islands further to the westward, called the Jasons, are hills of this abrupt character, and from 800 to 1,200 feet in height.

The two Americans before alluded to described many extensive plains, which they crossed; but I am inclined to think that there is not by any means so great an extent of plains or gently undulating ground in the West as in the East Falkland.

The west coast of West Falkland is not much known, except to whalers and sealers. Mr. Melville, an active and enterprising settler at the Falkland Islands, who has sealed much in all the bays, and is better acquainted with the coasts than any one in the colony, describes it to be more variously and deeply indented by the sea than even the coasts of East Falkland.

The single line defining the boundary of North, King George, Queen Charlotte, and South Bays, I am informed, is not to be depended upon. The nautical survey now in progress has not yet extended to this portion, but it is sincerely to be hoped that nothing will occur to prevent its entire completion. This is the most valuable side of the whole group for whaling and sealing, and a correct chart would be of invaluable service to vessels so engaged.

I am informed that the hills on the south coast of West Falkland appear to be in masses, and their termination at the coast line to be lofty rugged cliffs.

Sounds and harbours.

The sounds on the east coast of East Falkland are Berkeley, Choiseul, Adventure, and the Bay of Harbours (which may be considered as a sound), all running into the land in a westerly direction.

Berkeley Sound, the most northerly, is about four miles wide, and 17 miles long. At the head is Port Louis, the site of the present settlement; there are two other bays also at the head, Uranie Bay and Johnstone's Harbour.

The entrance to Port Louis is intricate, through the Narrows, particularly with the prevailing winds; but the port, though large, is secure, with good holding ground, and sufficient depth of water throughout for the general class of merchant ships.

Uranie Bay and Johnstone's Harbour are more open, but have good anchorages.

Choiseul Sound is about 35 miles to the southward of Berkeley Sound; it is five miles wide at the entrance, and 27 miles in length; it is full of harbours, of which Mare Harbour, Victoria Harbour, Darwin Harbour, and Arrow Harbour, are the principal, besides many sheltered coves and creeks.

Lively Island, seven miles in length by five in width, extends partly across the entrance, but there is a good passage both to the northward and southward of it.

Adventure Sound is 16 miles to the south of Choiseul Sound, and has within it the following good harbours, Fox, Barrow, and Sulivan, besides others on the north shore not named in the map.

Long Island extends across the entrance of the sound, and the only passage, four miles in width, is to the northward; the south opening is full of reefs and rocks†. The sound extends into the interior, to a distance of about 18 miles.

The Bay of Harbours is about four miles wide at the entrance, and 11 miles in length; and, as its name implies, is made up of good harbours.

Besides these sounds on the east side, there are the following excellent harbours;

* Between high-water mark on both sides.

† A complete barrier without the smallest opening.

bours; Port William, the most leeward port in the islands, Port Harriet, Port Fitzroy, and Port Pleasant, Low Bay, and Bull Road.

Generally the coast is much indented, and to a stranger there is some intricacy in the passages to the different anchorages on the east coast, excepting in the case of the Bay of Harbours, and Port William, and Berkeley Sound.

On the south side of East Falkland there are some anchorages, one particularly on the north side of Eagle Island, called Jack's Harbour*.

On the west coast of East Falkland there is no good port to the north of Fanning's Head, but immediately round it, and within the Straits, is Fanning's Harbour, a very excellent one in every respect.

The San Carlos river falls into the Straits a little to the eastward; and at a short distance up the river, about six miles from Fanning's Harbour, is Port San Carlos, a secure and well-sheltered port, with deep water, but rather small†. The south arm is in the same neighbourhood, and is also an excellent harbour‡.

Twenty-four miles to the southward of Fanning's Harbour is Sussex Harbour, running due east to the foot of Mount Usborne. This, like most of the others, possesses all the requisites of a good harbour, well sheltered, deep water, and good holding-ground; it is also easy of access and egress; excellent land, and many herds of wild cattle are in the neighbourhood.

Grantham Sound immediately adjoins Sussex Harbour; it appears to be dangerous, and difficult of navigation, and has no good harbours within it. The waters of Grantham Sound nearly meet those of Choiseul Sound at Darwin Harbour; the little isthmus that divides them being only one mile in width§, and having two fresh-water lagoons, 400 yards in diameter, upon it; sealers frequently carry their boats across it.

To the south of Grantham Sound are the following good harbours; Swan Island Harbour, Port King, Wharton Harbour, Findlay Harbour, Ruggles Bay, having within it Moffit's Harbour and Danson Harbour.

The north side of East Falkland is deficient in good harbours, the only one being Port San Salvador, the entrance to which, called Marville Bay, is intricate and narrow; it may also be called a blind harbour, difficult for strangers to make out from the sea. There are no dangers within Port San Salvador; deep water throughout, and it has many sheltered anchorages; it is very extensive, being about 25 miles in length; no exact breadth can be assigned to it, as by a glance at the chart it may be seen that it is composed of a number of arms, running up into the country in every direction.

On the west side of West Falkland are the following harbours:—

White Rock Harbour, which is well sheltered, and easy of access and egress. This harbour is particularly serviceable to vessels from the northward endeavouring to pass through the Straits, when the tide sets to the northward through the entrance, as it generally runs with such velocity, that without a commanding breeze in their favour, most merchant vessels would experience great difficulty. White Rock Harbour, which is close at hand, and can always be made, is at such times very convenient to wait for the turn of the tide.

Eight miles to the southward of White Rock Harbour is Many Branch Harbour, which is well sheltered with deep water, but it is confined and difficult of access from the narrowness of the entrance.

Port Howard, the next port to the southward, is at a distance of about 10 miles from Many Branch Harbour; it is an excellent port in every respect except its entrance, which is very narrow, being only 400 yards in width.

To the south of Port Howard is Shag Harbour, the inner portion of which, through the remarkable ridge before alluded to, is too narrow and confined to be of much service to vessels, but the outer portion is a secure anchorage.

Fox Bay is very much exposed, affording no sheltered anchorages for large vessels, nor has it sufficient depth of water throughout; there is, however, a small

* Adapted for small vessels, marked *c* in the Map.
† Adapted for coasters and small craft generally.
‡ These three are, in fact, one fine harbour.
§ The land also is only elevated 20 feet above the sea in the highest part.

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small harbour within it available for small vessels, and which will be clearly pointed out in such new editions of the nautical chart as may be published.

Port Edgar, to the west of Fox Bay, and only six miles distant, is a remarkably good harbour when once entered, but it has the defect of being difficult of access with the prevailing winds, the entrance being only 280 yards in width* between two bold headlands. As to security and room when within, it is surpassed by none in the Falkland Islands, perhaps not equalled.

Port Albemarle and Albemarle Roads are secure and sheltered anchorages. These are the two anchorages likely to be of most service to vessels entering the Straits from the southward.

Port Stevens is an extensive port, being about 10 miles in length by 2½ miles average breadth, with deep water throughout; but it has a narrow intricate entrance of about 400 yards in width; there are many well sheltered harbours within it.

Of the coast on the west side of West Falkland I have already mentioned that there is but little authentic information, therefore the outline showing the different bays on the accompanying map cannot be relied upon, it merely serves to indicate that the coast is of that general form.

On the north the principal harbour is Port Egmont, the site of the former settlement; it is a good anchorage, but as a harbour it is defective from its very great expanse.

Tamar Harbour is not a good harbour, as the entrance is narrow; rapid tides prevail through it, and there are rocks in the passage.

Pebble Sound is studded with islands, which would render its navigation difficult to strangers.

Of the harbours in the islands to the west of West Falkland, the most important one to be noticed is Coffin Harbour in New Island.

New Island is about six miles in length and about three quarters of a mile in width; it is the most windward island of the whole group, and Coffin Harbour is on the leeward side of it; within the harbour is a small island which completes the shelter of the anchorage from all winds.

This island is the favourite place of shelter for all whalers in these seas. Weddell writes favourably of it as a wintering place.

By the foregoing notice of the harbours in the Falklands, it is shown that there are no less than 10 or 15 known good ones†, besides the multitude of coves and inlets which will be of service to coasters; it is also highly probable that other good harbours on the west coast of West Falkland may come to light in the progress of the nautical survey. The whole of them possess watering places easy of access.

Rivers.

Of rivers there are but few in the Falkland Islands. The San Carlos in the East Falkland is the largest known one; it is very winding, and only about 30 miles in length, navigable for boats to a distance of about eight miles, and for that distance the width may be averaged at 100 yards.

The sources of the San Carlos appear to be many small streams, draining all the country to the west and south-west of the western extremity of Port San Salvador, also part of the country to the northward. The river is fordable at third kraal marked *d* in the Map; but it is in general a deep stream, with high banks. The bed is of a red sandy gravel, and in spots muddy.

The Arwyo Malo, or Matson River, is another large stream, which drains the long valley, described as separating the Simon range from the Wickham Heights. It rises at the foot of Mount Usborne, and running in an easterly direction falls into an arm of Port San Salvador, a distance of 18 miles. It is not navigable, and as it is completely a mountain stream, it often becomes difficult and dangerous to cross, by reason of sudden floods swelling it into a deep and rapid river.

These two are the only rivers in East Falkland. I am informed that there is also another in West Falkland of about the same size as the San Carlos, which falls into King George's Bay, at a spot marked E in the Map. Rivers, however, can scarcely be needed in a county so fully and variously indented by the sea as these islands are. For the purpose of fresh water, the want of rivers is amply

Fresh-water ponds and rivulets.

* Carefully measured by Lieutenant Robinson, Royal Navy, during this last summer.

† Not including the small harbours which have been enumerated.

amply supplied over the whole country by many small fresh-water lakes or ponds, varying in size from 30 yards to three or four miles in circumference, and by innumerable springs and rivulets.

Geological formation.

As I have not yet been able to traverse the islands sufficiently, I cannot give as complete an account of their geological formation as I could wish, and as the importance of the subject demands; but I am inclined to suppose, from general causes, that the formation of the whole of the islands is of a similar character to those portions which I have examined. In East Falkland the mountains and hills are formed of stratified quartz rock.

The strata is in general highly inclined, in many places quite vertical, and sometimes contorted in a singular manner. The tops of the hills are generally very rugged, crowned with pinnacled rocks, giving an air of great wildness to the scene.

At the base of the hills, and on the plains, the formation is clay-slate, of every variety, alternately with strata of sandstone, much of which is extremely friable, especially at the south of West Falkland, where it occurs in beds of great thickness.

The thinner beds to the northward, in East Falkland, are much more compact; among the slates are many well adapted for roofing.

The inclination and bearing of the strata are various, and sometimes singularly ruptured, contorted, and displaced. The whole of the lower lands appear to be of clay-slate; and I think I may safely say, that it never rises to the higher hills, which are invariably of quartz rock.

A peculiar feature in the geology of these islands, are the streams of stones which appear as though flowing down the sides of the hills; no other term can convey the idea better than that of "stream;" sometimes the streams are only 20 or 30 feet wide, and in some places they spread out to be a quarter of a mile in width.

The stones are of quartz rock, and are of every size, from one foot cube to four or five feet, but generally about three feet cube; this will convey an idea of their size; not that I mean to say they are always cubical in form.

The edges of the stones are but little worn, and they lie together in the greatest confusion; edges and angular points uppermost; though the general surface is uniform, and never in ridges.

There are a few islets here and there of turf and heather, which have managed to take root, but generally the interstices are not filled up in any way, either by smaller stones or earth, and consequently walking over them requires care, as it is stepping from one angular point or edge to another. The "streams" are of a great depth, and water, the sound of which can be distinctly heard, is generally flowing at the bottom. The bottom of a valley about 10 miles from the settlement, is entirely covered with these stones; an area of about three and a half miles by one mile.

The character of the rocks of these islands being so decidedly primitive, and the same appearing to prevail throughout, I am inclined to fear that although mines of valuable ore may be discovered, yet that those useful materials, limestone and coal, will be sought for in vain.

I can only state this with uncertainty, until I shall have been able to visit the north and west coasts of West Falkland; because caves with stalactite formations have been described to me as existing in Pebble Island, and elsewhere, besides extensive standstone formations to the south. I do not, however, build much hope upon the first, because the pebbles from Pebble Island are all siliceous, many of them being very beautiful specimens of onyx and bloodstone.

Climate.

The climate of the Falkland Islands is peculiar in one respect, namely, the almost constant winds of a very drying nature. The first circumstance, however, which deserves notice is its extreme salubrity, the enjoyment of perfect health is experienced by every one after they have resided here for a few weeks, and become accustomed to the diet, which consists almost entirely of animal food.

My own party, who have had to undergo great exertions, and frequent exposure in the late rainy weather, have suffered from severe colds, resembling influenza.

The two Americans, who had been wandering for 14 months in the West Falkland, living upon wild geese and the roots of the tussac grass, were found in perfect health, although the seasons had been unusually inclement.

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The illness of another party who had been wrecked, and had suffered much, arose from constant exposure in a small open boat, and great bodily fatigue, with want of food. Accidents are as likely to occur here as elsewhere, nor can I say that constitutional ailments would be mitigated, in the case of pulmonary complaints most probably not.

Temperature.

The temperature is more equable than in England, seldom rising to the same heat in summer, nor falling so low in winter; it ranges from 30° to 50° in winter, and from 45° to 70° in summer, but during the past summer (which by the united testimony of every person in the settlement has been an unusually inclement one) the temperature only once reached 70°, and was seldom above 65°.

In Captain Fitzroy's work it is stated that the temperature has been known to be as low as 22° in winter, and as high as 80° in summer. The log-book of the settlement shows the temperature to have been as low as 18° one night during last winter. There are conflicting opinions about the temperature, and as much depends upon the position of the thermometer, and the regularity of the observations I cannot give an opinion as to which is the most accurate. My own observations will be the mean of five thermometers, but the position of the house is elevated and exposed.

Ice and snow.

There is but little ice or snow in the winter, the first seldom exceeds half an inch in thickness, excepting in very severe winters; the latter is rarely more than ankle deep, and remains a very short time upon the lower lands. There is very little foggy weather, and thunder and lightning are extremely rare.

Rain.

Light passing showers are frequent, but a day of constant rain seldom happens. The total amount of rain which falls in the year is probably less than England, certainly not more.

Wind.

The prevailing direction of the wind at the Falkland Islands is from the west. From its almost daily occurrence and frequency from one quarter, it may be compared to the regular breezes in tropical climates; like them also it generally commences at nine, blows strong, often amounting to a gale through the day, and dies away at about four or five in the afternoon. The nights are generally calm, and the contrast of the bright, still, early mornings and calm evenings with the stormy mid-day is very great; so frequently is this the case that I arrange my working parties, at least those connected with the water, accordingly. I have, however, seen many days perfectly calm and serene throughout during a residence of three months, and in a summer admitted by every one to have been unusually bad. It is also true that there have been many nights and days stormy throughout.

I have before me two accounts of the direction of the winds at different times of the year, and the kind of weather accompanying them. The two accounts are diametrically opposed to one another, and from the opportunities possessed by the observers, as well as their character, both are entitled to be considered as correct. At present, therefore, I cannot offer further information upon this head than that the prevailing wind is from the north-west to the south-west, and very seldom easterly; that northerly winds bring gloomy wet weather, and that hard gales may be expected from the south-east to the south-west, but that they are generally over within 24 hours. Both accounts agree in stating that there is more wind in summer than in winter.

I have now to describe what may be considered as the most important item in the calculations of the farming settler; viz., the quality of the soil, and its productions.

I have dug up the ground in many places, and where the surface presents different aspects, and I found the following general cases.

Character of the soil.

The soil is of a very fine dark, almost black, peaty quality, compact and from six inches to two feet in depth, lying upon a subsoil of red gravelly clay where the underlying rocks are the clay-slate. This gravelly clay is of course the rock in different stages of decomposition; the stones being pieces of rock which crumble between the fingers. This soil and subsoil extends over by far the greater portion of East Falkland*, and the subsoil varies very much in its tenacity and fineness. In many places, from the nearly equal mixture of silica and alumina, it may be called sandy clay. On the quartz rock formation the subsoil

* Of the West Falkland, I cannot at present report so positively.

subsoil is chiefly a stiff dirty white clay, and this prevails upon the mountain land. Nowhere have I seen sand as a subsoil, although the sea-shores of the quartz districts are of the finest white sand; the shores of the clay-slate are generally mud mixed with shingle.

As may be expected from so tenacious a subsoil upon the quartz hills, and the prevalence of springs and clouds, the soil upon the quartz formation is generally wet and swampy, yielding coarse wiry grasses and mosses, with frequent deep beds of peat. The subsoil at the bottom of the deep beds of peat, where any opportunity has occurred of examining it, is very tenacious clay, and no where white sand, as is generally the case in Ireland. As the subsoil upon the clay-slate is more porous, the surface of the ground in those districts is generally drier, the soil more earthy, and the grasses are of a good quality; although even there are many spots of swampy land and peat bogs of a few feet in depth, the first arising from springs and little rivulets not finding a ready escape—causes quickly removed by even a partial draining. Where the soil is very thin, the grasses are few, and heaths, balsam plants, and a kind of wild unproductive strawberry plentiful. Such land as this*, though capable of great improvement by cultivation, and would at once yield good crops of turnips and potatoes, is not adapted for immediate occupation by settlers (requiring labour). The soil of this poor land is not stony and sterile, but light gravelly clay, the stones in which are extremely friable. I understand from an experienced sheep-farmer, lately arrived, that two acres of it would probably maintain one Southdown sheep, but that by the ordinary process of paring and burning and sowing with artificial grasses, it would at once become medium pasture-land, and eventually good pasture. Much of the land in the immediate neighbourhood of the settlement was evidently of this character formerly, the sward upon which is now thick and verdant.

In all cases where the peaty soil has become mingled with the subsoil, as in the bottoms of many of the vallies by the sides of streams, and almost always at the embouchures of the streams into the different arms of the sea, running inland, the soil is of the richest quality and the grasses remarkably thick and verdant. I fell in with much of this land in the neighbourhood of Port San Carlos, Port Sussex, and at the base of Mount Usborne (south side); it is also frequent on the shores of Port San Salvador, and I am inclined to suppose that there is much of it on the plains to the south of the Wickham Heights, both from report and from the circumstance of the formation being clay-slate, with broad shallow vallies, and also on account of the many herds of large cattle in fine condition which are always found there†.

I find it a difficult matter at present to give a near approximation to the truth in stating the proportions of good and bad land; but judging from the information I have derived from different sources, and arguing upon the principles which I am inclined to generalize from the observations I have personally been enabled to make, I am of opinion that the following division may be considered tolerably exact.

No. 1. Three-twentieths of remarkably good land in the openings of vallies by the arms of the sea and at the sides of some streams, being a mixture of peaty soil and gravelly clay resembling dark brown loam, and yielding luxuriant pasture, of which one acre, even in its present wild state, would probably feed four sheep.

No. 2. Eight-twentieths medium land, good soil though of a peaty nature, from one to two feet in depth upon a subsoil of gravelly clay more or less tenacious, at present yielding an abundance of nutritious grasses (though rather coarse), and capable of very great improvement merely by the close feeding and manuring of sheep and cattle, and partial draining where water lodges. One acre of this land would at present feed from three to four sheep in summer and two in winter.

No. 3. Five-twentieths poor pasture land, yielding a scanty herbage and an abundance of heaths and balsam plants; but capable of very great improvement by

* *See* paragraph No. 3, below.

† A colonial schooner has just arrived in the port from Patagonia, and has on board an abundance of beef, loaded with fat, which the crew procured with ease on the plains at the south of East Falkland, by hunting with dogs, and I have sent her back for a supply for the settlement.

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by labour in paring and burning, and sowing with artificial grasses. At present it would require two acres of this land to maintain one Southdown.

No. 4. Four-twentieths deep bog and stony land, wholly unfit for cultivation, but generally useful as supplying peat for fuel and stones for walled enclosures and roads. Fortunately much of the first is generally diffused in spots, so that fuel would always be attainable at an accessible distance in any part of the island.

There are no low-lying level swamps or salt-marshes, at least none have yet been met with; all the wet swampy land lies in such manner that it can be drained without the least difficulty, and this kind of land is generally in spots or patches of a few acres in extent, and not in extensive districts.

Grasses.

The surface of the country is covered with a long and apparently coarse grass, but the horses, cattle, and sheep feed upon it very readily, biting it very close where the soil is of a superior quality; and I infer that the grass must be very nourishing from the size and fatness of the wild cattle, the excellent appearance of the sheep, and the sleek coats, fine limbs, and plump condition of the naturally indifferent breed of wild horses. Where the sheep and cattle constantly graze and feed it down close, this long grass gradually disappears, and a short thick sward of sweet grass, mixed with white clover, takes its place; this occurs particularly in the neighbourhood of the settlement, and the appearance of the sheep fully testify to the excellence of the pasture.

The brown moorish look which the country presents always deceives the casual visitor; it arises chiefly from the wild uncultivated state of the pasturage. The cattle have so wide a range that the grass is never thoroughly fed down, but grows in lumps, fresh shoots continually springing from the same root and running to seed, leaving the withered stalks and blades standing for a considerable time.

In the favourite haunts of the cattle and horses, the surface, though still in a wild neglected state, has a greener and more luxuriant look than the general appearance presents.

I have remarked that, wherever the surface of the ground has been fired, the old roots being destroyed, a tender sweet young grass springs up, and the cattle and horses frequenting the spot, the pasturage is much improved. Even the worst peat bogs are covered with grasses, though coarse, and many of them wiry; but in no place have I seen the surface of the bog lands uncovered, as in Ireland and Scotland.

I may remark that the bogs in the Falkland Islands are the black peat bog, in contradistinction to the red bog; that they are very compact, and burn with great intensity when dry. The spots where a horse cannot cross are few, and a man may traverse the bogs anywhere without difficulty.

Such is the general character of the pasture in these islands; but there is another indigenous grass of inestimable value, and which deserves the particular attention of every person connected with grazing and sheep-farming, even in England, but more especially Scotland and Ireland: I allude to what is here called "Tussac."

Tussac.

The tussac is a gigantic sedgy grass, of the genus Carex*. I measured the length of the blades, and found them to average seven feet in length and three quarters of an inch in width; some, in favourable situations, are longer, and if cultivated with care, they would probably flourish still more vigorously. The plants grow in bunches close together, and as many as 250 roots spring from one bunch. In old plants the decayed roots of successive shoots form a cushion of dry entangled fibres, which raise the bunch from the ground. This cushion sometimes attains to a great size and height, so that a person standing in a patch of old tussac may be quite sheltered and concealed. The cushion is dry and inflammable, and where the wild cattle and horses have completely destroyed the plants by eating down to the very roots inclusive, these lumpy accumulations of decayed fibres are left encumbering the ground with a multitude of hummocks, easily removed, however, by fire.

The

* The Antarctic expedition, under Captain Ross, is at present at the Falkland Islands, for the purpose of wintering and carrying on a series of interesting observations. At my request, Mr. Hooker, assistant-surgeon on board Her Majesty's ship Erebus, and botanist to the expedition, has kindly favoured me with the following full description of the Tussac grass.—*See* Enclosure to this Despatch

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The grass growing in large tufts upon the high base of decayed roots resembles, at a distance, a diminutive grove of thickly clustered palms, and from the dark green and luxuriant appearance given to the smaller islands clothed with tussac, the richness of tropical vegetation is forcibly recalled to the memory.

All the other species of the genus Carex are described in botanical works as coarse and rank, and by no means adapted for fodder, but it is very different indeed with this species; that it is sweet flavoured, tender, and most nourishing, is evident, from the avidity with which all animals feed, and the rapidity with which they fatten upon it; cattle, horses, sheep, and pigs alike. For about three or four inches the roots are very agreeable to man, being crisp and of a sweetish nutty flavour, very much resembling the heart of the palm tree in the West Indies, which is called the mountain cabbage.

There is an island* close to the settlement which is fringed with the tussac grass for a breadth of about 200 to 300 yards, the remaining portion being wiry coarse grass and moss on wet land. Lean cattle turned upon this island become fat in two or three months, and the miserable old horses that return from the cattle-hunting expeditions dreadfully out of condition, soon pick up and become quite fat upon the tussac which grows there.

The two Americans who wandered upon West Falkland for 14 months lived upon the root daily, and formed their huts of what I have termed the cushion, rolling one to the small doorway or opening when night came on.

The long blades of the grass make but an indifferent thatch, as it is much too brittle to last when dry; there are no fibres sufficiently tough or coarse for this purpose. I may notice that cattle and horses will readily eat dry tussac when they cannot procure it fresh; but an ample supply of it can always be obtained, as it is green and luxuriant all the year round.

The bounty of Providence causes this extremely nutritious grass to grow most luxuriantly in the rank peat bogs by the sea-shore, where any other, even of the most inferior quality, could scarcely live. I may say that by far the greater part of the coasts of these islands are fringed with it in many places to the breadth of half a mile; all the smaller islands are completely covered with it. It grows readily between clefts in the rocks, out of shingle and sand, close down to high-water mark; but it is most luxuriant where there is a depth of wet peaty bog. Whether it will grow upon boggy land further than half a mile from the sea, can only be determined by experiment; at the proper time I shall try it, and I entertain the most sanguine hopes that it will succeed, though perhaps it may not grow so luxuriantly as by the sea-shore.

If it should succeed upon inland bogs, such land could be made to yield as much nutriment for cattle as any other.

I am informed that a similar species of sedgy grass is to be found in the Straits of Magellan, the Auckland Islands, and many other places in the southern hemisphere; but unlike its nothern relations, the southern carex appears everywhere to be tender, full of nutriment, and the favourite food with all cattle.

Trees.

A serious blank in the vegetable productions of these islands, is the total absence of trees, excepting upon some spots on the west coast of West Falkland, where there are a few dwarf evergreen trees, of a hard close-grained wood; they are about 12 feet in height, and their trunks, which are very much contorted, are about 20 inches in circumference. They bear bunches of beautiful and fragrant flowers.

I have not seen them, but from the description given to me, I can only consider them as shrubs, and neither of sufficient size nor numbers to be serviceable to the colony.

Driftwood, suitable for fuel, and some few pieces, perhaps, available for posts and rails, is in abundance upon the southern shores of these Islands. It is most probably washed from Staten Island and Terra del Fuego.

Fachinal bushes.

There is a very bushy shrub, called here the fachinal, which grows very thickly in the vallies. The height is from two to five feet, and the thickness of the stem varies from half to an inch in diameter. These shrubs form admirable covers for the myriads of rabbits in the neighbourhood of Port Louis,

* Long Island.

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Louis, and I am inclined to think that they would not be a bad nursery for woods. I have remarked that wherever the fachinal grows luxuriantly, the land is of an excellent quality (peaty soil in intimate union with the gravelly clay subsoil); so that it may be taken as a general rule by the first settlers, that where the fachinal bushes are plenty and look vigorous, the land is very good.

The wood is brittle, and therefore will not form good brooms, nor wattling for hurdles; they might be planted in rows in gardens and potato-grounds to break the force of the winds.

Heaths.

There are a few varieties of heaths, one of which is much used to light the peat-fires, and for fuel generally; it is very inflammable, and burns with intensity, even when green. Of another variety a tea is made, which is much used, and apparently relished, by the settlers; hence it is called the tea-plant. Of the other vegetable productions, the balsam-plant* may be noticed; it is a roundish and lumpy plant, growing to four or five feet in diameter, of a pale green colour, and apparently a smooth surface, but upon examining it, it is seen to be composed of a multitude of small stems closely compacted together; the surface is sufficiently smooth and firm to form an excellent natural ottoman for the tired pedestrian; the plant is very inflammable, and when dry, may be used for fuel; in the summer a thick glutinous substance exudes from it, which is here used as a balsam for wounds. Of what value it may be in itself, I know not, but I observe that the soil upon which it grows is generally thin, and apparently poor. I believe that the plant is very common on the Andes, and many parts of Patagonia.

Sorrels, &c.

There are a variety of wild sorrels, one of which, when boiled or baked with sugar, is scarcely to be distinguished from gooseberries; there is also an excellent wild spinach, which is plentiful by the sea; it is not surpassed by the garden spinach; wild celery is also in abundance. There is a small berry, called here a strawberry, which grows upon a plant resembling the strawberry, but the fruit itself is similar to, and tastes like, a half-ripe mulberry.

It is commonly reported that the orchilla weed is to be found in the Falkland Islands; such, perhaps, is the case, but hitherto I have been unsuccessful in my search for it, nor have I been able to obtain a specimen of any found here by any one.

Cultivated vegetables.

Of the cultivated vegetable productions, turnips, cabbages of all sorts, lettuces, radishes, and potatoes grow to great perfection, especially the first; the "swedes" grow remarkably well and give an abundant crop; I have scarcely anywhere in England seen turnips to equal them, certainly not to surpass them†.

I am of opinion that with proper attention, cultivation, and good seed, all the common garden productions would succeed.

Of the probable success of fruit trees, I cannot give a decided opinion, but there is no reason to suppose why the hardy sorts, such as apples, gooseberries, and currants, should not answer.

It has been proved that flax will grow well, but hemp has not been tried.

Wild animals.

The number of the different species of wild animals indigenous to the Falkland Islands is very few; the only quadruped is the warrah or wolf-fox, which is about the size of an English hound, but slender, with long legs. It has always been supposed that they are dangerous, from the fearless manner in which they will venture to approach any person, but I am informed by many well acquainted with their habits, that they will do this more from ignorance of the power of man, and strong curiosity, than from ferocity, and that they may be very easily driven away. They will advance and take a piece of meat from the hand, if offered to them. Young ones are easily tamed. There are not many in the northern part of East Falkland, and all of them could be easily, and should be soon, exterminated, as they are large enough and sufficiently daring to attack lambs.

Upon the West Falkland I am informed that they are more numerous, and smaller, with finer fur than in East Falkland. The fur of the East Falkland fox is very thick and handsome, though not remarkably fine.

Of

* Bolax Gummifera.

† The same opinion was expressed to me by a practical sheep farmer immediately after his landing.

Of rats and mice there are not many, and they are chiefly in the neighbourhood of the settlement. The rabbits, which together with the rats and mice have evidently been imported, are literally in myriads in the vallies near the settlement, and are easily caught by dogs. Many skins were formerly exported, and it appears to have paid well.

Seals.

The hair and fur seals which were formerly so abundant in these islands have decreased considerably in number, in consequence of the wanton destruction at all times of the year when they can be met with; neither old seals nor pups are spared by the sealers.

The hair seals are the most numerous, and although their skin is not of great value, yet combined with their oil, which is of a very good quality, the taking them may still yield a good return.

Black whale.

I am informed upon very good authority, that the common or black whales are still numerous in the vicinity of the Falklands, particularly upon the west coast of West Falkland, and that vessels from New Island, the present rendezvous of many whalers, can be upon a good fishing ground in a few hours *.

Fish.

There is an abundant supply of fish at the entrance of most of the creeks opening into the harbours, but there is no great variety. Those generally caught are a kind of grey mullet, and the smelt; both are very excellent, and grow to a great size, the first often weighing 14 lbs. but averaging seven or eight pounds, and the latter one pound and a half, but averaging a quarter of a pound.

I may notice that a small kind of trout is plentiful in some of the streams and fresh water lagoons.

I have not seen nor heard of any shell-fish except clams and mussels, but both of these are in great abundance; the latter have the inconvenience of being full of very minute pearls, about the size of a pin's head.

Wild fowl.

Of wild fowl there is a great abundance of the following kinds:

The kelp, brent and upland goose, all very fat, and the two latter excellent food; two kinds of wild swans; two kinds of snipe, one very large; four or five kinds of duck, one of which, the loggerhead, is not good to eat, as it lives almost entirely upon fish; teal are very numerous upon the fresh-water ponds.

These wild fowl are so tame, especially the geese, that the most indifferent sportsman may speedily lade himself with more than he can carry. In unfrequented places they may be knocked down with a stick.

Of other birds, the most common are shags, penguins, rock-hoppers, sandpipers, gulls, Cape hens, whale birds, albatrosses, owls, and a large kind of carrion hawk, and rooks, both very daring and destructive in the poultry yard. The latter is well described by Darwin. (See Voyages of the Adventure and Beagle, vol. 3, page 67.)

A common bird in the neighbourhood of the San Carlos River, is the hell-diver, a beautiful species of grebe. The land birds are very few; one like the English robin, but much larger, has a note similar to a thrush.

The extraordinary degree of familiarity shown by the birds in these islands, impresses itself very much upon the mind of a stranger at his arrival.

Of insects, except a very few flies and spiders, I do not think that I have seen or heard of any: an entomologist would find the Falkland Islands a very barren field indeed.

I have seen no frogs nor reptiles of any kind.

Domestic animals which have become wild.

Cattle and horses.

Of the animals brought to these islands, and now become wild, those of the first importance are the cattle and horses; the rabbits I have already noticed. There are some pigs of an indifferent breed upon a few of the smaller islands, but I do not believe that their increase keeps pace with the unsparing attacks made upon them by the sealers and whalers frequenting these seas. I cannot obtain any authentic account of goats being upon the islands; if there were any formerly, it is probable that they have shared the fate of the pigs. It is reported that there are still some few wild dogs in the interior, but many were destroyed

* There are but few, if any, British ships engaged in the whale fishery round these islands; but the fact of the black whale being plentiful is well known and appreciated by many foreign vessels, who pursue their occupation with great secrecy and success.

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destroyed last winter in consequence of the reward * set upon their heads, and it is probable that very few remain.

The wild cattle, the progeny of the tame ones which have been landed upon the islands from time to time, may be estimated at about 30,000 in number. This number is the mean of many reports which have been made to me by persons who have traversed the islands in different directions. That there may be more is very probable, because many would always be concealed from view †, by the formation of the ground in general ‡, which is a succession of longitudinal vallies varying from 100 yards to half a mile in width, separated by rising ground of the same width; the depth of the vales may be about 40 feet. It is in the bottoms of these vallies that the best grass and shelter is to be obtained, and a view into several of them at one time is almost impossible. Coronel, the late capitaz of the Guachos, and who was considered very active and intelligent in his vocation, computed the number at that time (a year since) at 40,000; such is also the opinion of the majority of the settlers. It may appear strange that there should be so few after the lapse of so many years, with such excellent pasture (evidenced by their fat condition), but allowance must be made for the wanton destruction that has been carried on until very lately by the crews of whalers and sealers. There is good foundation for the report that one person in particular killed great numbers for their hides alone.

Out of this number of cattle it is probable that *fully* one *half* are bulls.

The cattle appear to be of several breeds, but all are long-horned, with fine clean limbs and coat. The greater number would be admired even in England. I am informed by those who have seen the herds on the banks of River La Plata, that these, which must be descended from cattle imported from thence, greatly surpass them. The bulls attain a great size and are magnificent looking animals. They are all very wild and difficult to capture, at least so say the Guachos of these islands; but I am inclined to think that the regular Guachos of the Pampas, upon properly trained horses, would neither find it so difficult or dangerous as it is reported.

The cows are easily tamed for milking by a fearless person, but they are apt to stray unless constantly watched.

The beef is fine-grained, firm, and exceedingly well flavoured, and when cut from a wild animal in the interior, fat; particularly when there is tussac in the neighbourhood of their grazing ground. When first brought into the settlement, they are generally out of condition from the treatment they receive in the capture and afterwards; but they very quickly recover, and eventually fatten.

The cream from the milk is very rich, and the butter equally so; but the cows yield only a small quantity of milk under the present system of management.

The cattle are found in the greatest numbers, and in the finest condition, upon the plains south of the Wickham Heights; but there are many herds upon the shores § of Port San Salvador, and in the neighbourhood of Port San Carlos.

Formerly there were a great many to the north of Berkely Sound, but repeated hunting, and the close neighbourhood of the settlement, have driven them away; there are a few, however, still remaining.

I may notice that the hides are considered by competent judges to be much superior to those shipped from Buenos Ayres, but that they are spoiled by the manner in which they are taken from the animals and afterwards prepared.

Of the number of wild horses, 3000 may be considered a near estimate. This

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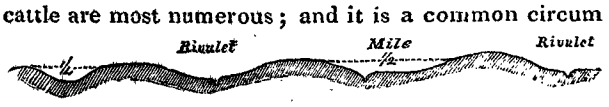
* Twelve dollars a head.

† It frequently occurs that neither the tame cattle nor horses can be found for two days, although grazing within two miles of the settlement, the hollows are so numerous.

‡ Particularly in those districts where the cattle are most numerous; and it is a common circumstance to come suddenly upon a large herd in some sheltered valley, that is perhaps not half a mile wide. A section of the ground would be somewhat thus:



§ The present hunting-ground for the supply of the settlement.

This is the opinion of Lieutenant Tysen, the naval officer lately in charge of the Falkland Islands, and he devoted much attention to the subject.

The wild horses are always in good condition, with fine coats and clean limbs; but they are naturally a poor ugly breed, about 14 hands high, low shouldered, cat-hammed, and with large coarse heads. This is the general character, but there are some very fair exceptions. The colts reared at the settlement turn out serviceable and hardy. It is generally supposed that they have but little stamina, but there can have been no fair means of judging whether they have or not, the treatment of them being such that few horses in the world could undergo it without giving way.

The wild horses are found in the country on both sides of Berkeley Sound, but chiefly on the south side, between Port William and Port Louis, and never south of the Wickham Heights.

Sheep.

The few sheep that have been imported into the colony feed upon the short sweet grass immediately round the settlement, and are in very fine condition, especially some Leicesters and Southdowns belonging to Mr. J. B. Whitington (a settler), which are in remarkably good order, with long heavy fleeces, the weight of which I cannot state.*

There are two breeds belonging to the government; one the poor long-legged indifferent breed of South America, and the other a great improvement upon the same presented to the government by P. Sheridan, Esq., of the Estancia de los Sajones, Buenos Ayres.

Such is the condition of the few sheep at present in the colony†; but there can be little doubt that sheep-farming would answer well upon a large scale, as there is an abundance of nutritious pasture; the winters are much milder than in England, although the summers are not so warm; and with regard to the wetness of much of the land, there are large districts where the surface is always firm and dry enough to remove all fear of foot-rot. In nearly every allotment of land there would be both high land and meadow for alternate grazing, which is an advantage not to be overlooked. I am informed that the breeds which would be the best adapted to the climate are Leicesters and Southdowns.

The value which in England is beginning to be attached to the wools of the Alpaca and Vicuna, and the great similarity that exists both in climate and plants between the rocky hills of the Falklands and the native ground of the Alpaca, is worthy of the attentive consideration of the enterprising settler.

Poultry.

Fowls, turkeys, ducks, pigeons, and guinea-birds, thrive well in the poultry-yards, and pigs fatten upon the Tussac grass.

By the foregoing general description of the Falkland Islands, together with notices of the climate and natural productions, I have endeavoured to lay before your Lordship the information upon which I have chiefly formed the opinions I entertain concerning the prospects these islands afford to persons desirous of emigrating, and which opinions I now venture to lay before your Lordship.

Summary.

It appears by the foregoing description, that the greater portion of the islands are clothed with grasses which must be very nutritious, judging by the size and condition of the live stock feeding upon them, and that there is an indigenous grass, the Tussac, which grows in abundance by the sea-shore, and upon pure peat, which is peculiarly nutritious.

It appears also, that the character of the soil and subsoil is not one generally indicative of fertility, namely, peaty upon a gravelly clay subsoil; but it also appears that the depth of soil averages 18 inches, and that when mixed naturally or artificially with the subsoil, it becomes very fertile, yielding abundant herbage of excellent quality; that turnips and all common vegetables thrive extremely well; that the amount of rain is not greater, though perhaps more frequent than in England; that the summer temperature is lower than in England,

* These sheep have not suffered from diseases of any kind since their arrival.

† Since writing the above, Mr. Culey, a Lincolnshire sheep-farmer, has arrived with a flock of 200 sheep, and he expresses himself exceedingly well satisfied, both with much of the land, and the grasses, in their adaptation to sheep-farming.

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land, and the weather uncertain, but that the winters are much milder; finally, there appears to be a want of shelter, arising from the total absence of wood, and that winds are almost constant. So far, therefore, I am of opinion that, from the want of sufficient summer heat and shelter from the winds, the perfect growth and ripening of corn (at all events wheat) is at present questionable; but that there can be no doubt, as it is now practically proved, that the islands are well adapted for grazing, breeding, and rearing all kinds of stock, as well as sheep-farming; and I further think that such farming would yield an ample return to a large body of settlers without any great outlay of capital, as there is a considerable extent, say 4,000 square miles of land, yielding a good pasture at this moment. There are no obstructions to be removed from the ground before agricultural operations could be commenced; the plough might be put into the ground at once.

The islands adapted for grazing and sheep-farming.

It is also evident that a material improvement in the soil will rapidly follow the commencement of the simplest agricultural or even pastoral operations, such as the folding of cattle in successive enclosures, the short bite, constant close treading and droppings of sheep; but if to these be added partial draining,* paring and burning, manuring with peat ashes and kelp, which may be obtained in any quantities all along the coast, and turning up the strong fine gravelly clay with the lighter soil upon it, the ground will then be converted from moderately good land into extremely fertile grass lands; a greater portion of the surface of the country will become constantly dry, and a considerable amelioration in the summer temperature take place. I am inclined to suppose that this change of climate would be produced more rapidly in the Falkland Islands than elsewhere with similar operations, because of the constant and remarkably drying winds which prevail throughout the year. The rapid evaporation of moisture in these islands has always attracted the attention even of casual visitors. It is probable, that had it not been for these drying winds, the want of a higher temperature in summer, and the tenacious character of the subsoil, would have caused the whole country to have been little better than a succession of swampy bogs.

I am inclined to entertain the idea that a progressive improvement has been going on in the soil and climate of these islands, judging from the gloomy accounts formerly given, and, in many places, the earthy layer and nutritious grasses above what is little better than peat; this gradual improvement I attribute partly to the extensive grazing of the wild cattle and horses, as well as the higher average temperature caused by the greater rarity of icebergs in the neighbourhood than formerly.†

Absence of wood, and how it is to be procured.

It appears also that there is a total absence of wood for the purposes of building, forming enclosures, and to afford shelter; this is certainly a great disadvantage,‡ and would become a serious evil were it not that wood is abundant in the straits of Magellan, about seven days' sail from hence, and four days back; and there are many streams with which to work such simple saw-mills as are constructed in North America.

There is also a wood cutting and sawing establishment at St. Catherine's, on the coast of Brazil, about 18 days' sail from these islands, and at Chiloé, round Cape Horn, a distance of 20 days' sail. At either of these places planks and timber can be procured very readily, and at low prices. Timber may also be brought from New Zealand by vessels homeward bound. It might also be imported from bonded yards in London, ready sawn into proper scantlings for building, saving thereby the great expense of colonial labour. The price also would be reasonable, as the freight would scarcely equal, certainly not exceed, the duty paid in England upon the importation of foreign timber.

For the rougher work of posts and rails dry stone walls must be substituted, and stones are abundant everywhere. In the "streams" of stones before alluded to, they are of very convenient sizes for the purpose.

The

* The surface of the ground is undulating, and lays well for draining; and all that would be required is to cut outlets for springs, the water from which occasionally lodges, and to clear the channels of the rivulets, which are always full of water, and frequently choked.

† Of the truth of this I have no further evidence than a universally prevailing opinion.

‡ In consequence of there being no trade in wood at present, the first settlers should all bring some description of portable house, if only one room 10 feet square, so arranged as to be easily put together.

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The want of shelter which would have been afforded by extensive woods, is not so easily remedied; for many years to come shelter can only be obtained in the vallies, and by the construction of high embankments.

Plantations.

There appears to be no reason why, in proper situations, and under proper management, trees should not grow.* The plantations must be upon a large scale, with trees adapted to the soil and climate, planted at the proper seasons, and protected by high embankments.

The Scotch larch and firs, poplars, alders, willows, and the winter's bark and beech from Tierra del Fuego would probably thrive the best.

The experiment was tried before and failed, but I should not be inclined to despair upon that account; many experiments which fail at first succeed by some, perhaps apparently trifling, alteration in the mode of conducting it. Under the management of a person accustomed to the business I should not entertain the least doubt of success.

Building materials.

It appears that good building stone and roofing slate can be obtained with ease. The varieties of clay-slate and sandstone are the best adapted for houses, but the angular fragments of quartz rock in the "streams," so often alluded to, afford ready materials, with the stiff clay, for the immediate construction of shepherds' huts, and necessity will quickly produce ingenuity in forming arched roofs of stone and clay, covered with sods, as a substitute for wooden ones. Such massive little huts could be quickly constructed, and would offer great resistance to the strong breezes.

Excellent bricks may also be made from the clay to be found almost everywhere, and would probably yield a good profit as an article of export to the River La Plata.

Lime.

It has been shown that there is no probability of limestone being found upon the islands, from which to obtain lime for building and for agricultural purposes. It is true that clam shells may be gathered upon the shores, and burnt into lime; but this, as I am enabled to state from present experience, can only be done at a great expense. From the many interstices, it requires large heaps of shells to make even a small quantity of lime; and the high price of colonial labour to collect them would always cause lime to be a very dear article, if obtained in that manner. It is stated in Captains King and Fitzroy's work, the Voyages of the Adventure and Beagle, that at Tilly Roads, in St. George's Bay, on the coast of Patagonia, the principal part of the soil is composed of loose, sandy clay, with large fossil shells (some of them weighing 8 lbs.), imbedded in it. I fear that although this spot may afford an abundant supply for very many years, yet, as the shells would have to be collected by hand after being dug out, the price of lime obtained thus would be very expensive, more so than if imported from England, either ready burnt and slacked,† or in stone as ballast. The substitute for lime used in building at present in the colony is stiff, tenacious clay, well worked up with chopped tussac, and it answers well in thick walls. Almost all the lime used here is imported from Rio de Janeiro, being cheaper than collecting shells to burn.

Fuel.

Fuel is abundant in the form of excellent peat, which is of the black kind, and extremely compact. When well dried it makes a bright fire, and gives out great heat.

If compressed with Lord Willoughby d'Eresby's peat-compressing machine, the peat would be materially improved, and much quicker dried for immediate use or stacking; and if charred after compression, would perhaps answer well for steam-engine furnaces; but, for the forge, I think that it would still be necessary to import coal.

That the peat may be exported with advantage to the River La Plata is probable, as it is well known that fuel is both scarce and expensive at Buenos Ayres and Monte Video.

In addition to the chief occupation to which the attention of the greater number of settlers would naturally be directed, namely, grazing and sheep-farming,

* The common furze thrives luxuriantly at Port Egmont, growing very thick and bushy from the ground, and to the height of five or six feet. Some young plants near Port Louis are also very vigorous.

† To prevent danger.

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farming, there are other branches of industry, the pursuit of which would be attended with profit in the Falkland Islands.

Whale fishery.

It appears that there is a great abundance of black whales round the Islands, but more particularly on the west coast of West Falkland, in the neighbourhood of New Island.

Large vessels, as receiving ships, might lie in the principal harbour, or call at stated times, while the fishery was prosecuted by smaller vessels, such as schooners, upon the principle so much and so successfully carried on by the Americans in this neighbourhood. It is commonly reported that the whales are scarce here, but the assertion is circulated for particular ends, and is disproved by the fact of numbers being caught actually in the bays, and vessels quickly filling upon this ground. The fishery is carried on with great secresy, and very successfully, by many foreign vessels.

Sealing.

That the fur seal will return to their favourite haunts if a respite be given to them, is proved by Mr. Melville, who rents from Government the seal rocks at the entrance of Berkeley Sound. The rookery was nearly destroyed when he commenced the management of it upon his own account. He has given it a respite of a twelvemonth, and watches it constantly, and the seals are now returning, and will probably reward him very profitably for his enterprise.

The same plan could be extended by renting or selling to individuals Sedge Island Cay, the Jasons, New Island, and other rookeries among the islands. It is well known that the Isle of Lobos, in the River Plata, yields a large revenue in consequence of its being carefully preserved.

There is a report, but I can find no good foundation for it, that cod fish are caught between the Falkland Islands and the mainland, and that a fishery might be successfully carried on.

Salting fish.

There is a small fishing establishment near Port Louis, for the purpose of salting the grey mullet, which is plentiful in all the creeks, and exporting it to Rio de Janeiro; but it does not appear to be valued in the market. It is a very fat and delicate fish; and I am given to understand that it has not sufficient firmness to stand the salting necessary to keep it for warm climates, without losing its fine flavour; probably, some mode of drying under sheds may be adopted to overcome this disadvantage; if so, this would become a very profitable branch of industry to the settler.

Salting beef.

The great readiness with which all meats take salt in these islands, and the fine quality of the beef, seems very forcibly to invite speculation in that way, in order to supply the Brazilian market, and perhaps even as far as the West Indies. At the same time, however, it must not be forgotten that it would have to compete with the low priced jerked beef from the Pampas; and therefore, perhaps, as an article of food for the negro slave, none would be demanded, although it might be purchased by the classes of persons above that condition. Corned rounds of beef from the Falkland Islands have been prized at the tables of a few in Rio de Janeiro, to whom they have been sent as presents. Shipping in these seas, including the naval service, could always be supplied from here with salt beef of an excellent quality, and at a low price. It might also be sent to parts of Australia, where meat will not take salt well.

Export of wool.

I have noticed the very superior quality of the milk and butter; hence good cheeses could be exported. The wool from the sheep would always find a market in England.

Imports.

Among the staple imports must always be flour, timber, and lime. The first might always be imported from the ports in Chili or North America. Rice, coffee, sugar, and farina, could be imported at very low prices from Rio Janeiro. The expenses, therefore, to a settler, would be but little in the necessaries of life, excepting wearing apparel.

Communications.

There appears to be very little difficulty in forming communications from one part of the country to the other. There are many passes in the principal chain of hills through which roads could be led without any great ascent, and good materials for constructing them are abundant everywhere.

Few bridges of any size would be required for many years, as the streams are very small and easily passed. The Matson river, at times, and the San Carlos would be the only exceptions. There are only two extensive districts of bog-land with which I am acquainted, but roads could be made across them without difficulty, as they are by no means what are commonly called flow-bogs; all the other tracts of bogs are in spots of but a few acres in extent, and

can

can be passed by without making any considerable detour. The readiest mode of communication will, however, be generally by boats and small coasters, upon account of the many deep indentations of the sea.

Disposal of wild cattle.

The disposal of the wild cattle to the best advantage for the settler as well as for the government is a subject to which I have given particular attention; and it appears that the following are the only modes which can be adopted; but only the first and last ensures the preservation of the cattle, which, for the future welfare of the colony, is of the highest importance.

Undoubtedly the best mode, if it can be effected, is to sell all the wild cattle, horses, and pigs in one mass to a company, or an individual, who shall at the same time become extensive purchasers of land, an extent sufficient to ensure that the purchase of the cattle is not for immediate profit, to the injury of the colony hereafter, by slaughtering for hides and tallow, but that it may be a basis upon which to carry on extensive farming operations, or to retail with profit to poorer settlers, the company undertaking the expense and trouble of capturing and taming in the first instance. The animals should be sold by government as they stand, "wild," the only restrictions being that the company undertake to get them together in herds under management by a certain time, or that they be confined to the district of land purchased, and that they be bound to supply beef to Government,* and Her Majesty's ships that may call, at a fair contract price, which shall be previously agreed upon. This contract should not extend beyond a period of four or five years; but such a contract would be necessary to prevent exorbitant demands, as the company for that time would be the only owners of disposable cattle.

The second mode is by granting licences to capture to any actual purchasers of land, upon the payment of a fixed sum.

The third mode is to consider the cattle as wild beasts, and allow the enterprising settler to capture at will.

The fourth is, for Government to capture and kill, as heretofore; but upon an extended and well-arranged plan.

For Letter of the Colonial Land and Emigration Commissioners, 30 Mar. 1841, vide Papers relative to the Falkland Islands, ordered by The House of Commons to be printed, 27 Aug. 1841, No. 3, p. 19.

These are the four methods for the disposal of the wild cattle noticed by the Commissioners of Colonial Land and Emigration in their letter addressed to Mr. Under-Secretary Stephen, dated 30th March 1841, and I fully concur with them in recommending the first, if a respectable company could be induced to undertake it; it would at once do away with the necessity of a government farm, and it would be an excellent arrangement for a company, as one great difficulty and probable risk in commencing their farming operations, the importation of cattle, except a few bulls and stallions of a good breed, would be removed.

The company would only require to build a few turf or dry stone corrals (quickly run up by their guachos, who are accustomed to build their own on the Pampas,) at different places upon their allotment, and bring from the neighbourhood of Buenos Ayres an intelligent capitaz or two, with a proportionate number of guachos and trained lassoing horses. The allotment also might be so selected, that although consisting of 80,000 or 100,000 acres, it may be bounded upon all sides by the sea, excepting an isthmus of a few miles in width. I have stated before that I consider the number of cattle to be about 30,000 in number, of which perhaps half are bulls. The horses are reported to be about 3,000. The time which it would take to drive the whole of the above within the allotment must of course vary according to the number and intelligence of the capitaz and guachos, as well as the goodness of their horses; but it is most probable that 20 guachos and two capitazes with 100 horses (to be purchased at the Estancias in the neighbourhood of Buenos Ayres at 20*s.* a piece, if selected by the purchaser,†) would be able to drive all the herds of cattle and troops of horses into the allotment in two summers, or at the farthest three, particularly if the company purchased two allotments, one to the northward and one to the southward, so as not to have to cross the Wickham Mountains, by which some would be lost or injured.

There are a few corrals already built to the northward of the Wickham Mountains, and these would be lent to the company by Government. All the horses

* In certain quantities as rations.

† But they must never be lost sight of when once purchased.

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horses are to the northward of the mountains, but the greater proportion of cattle are to the south.

When the animals are once driven within the allotment, half the number of men and horses would be sufficient to watch them and capture them, either for the purpose of killing, selling, or taming.

I have endeavoured to estimate the price which the Government might fairly expect to receive from a company for the whole (wild pigs on Eagle Island, in number about 500, included), and I venture to suggest that they be offered for 30,000*l.* This is certainly a very small sum, being about the value of their hides, the average of which exceed in size and quality those shipped from Buenos Ayres;* but I am induced to recommend so low a sum, as it would be a great encouragement for a company to undertake the management of a valuable property in a manner conducive to the general welfare of the colony; and it would at once relieve the Government from extra duties, which could be better carried on by private individuals upon their own account. I venture to suggest also, that the Government require the company to purchase at least 150,000 acres; the money to be laid out in the same manner as that derived from other sales of land, namely, the conveyance of emigrants; the survey and local improvements, particularly the formation of "bridle-roads," of a small width; for the present 100,000 acres of the above allotment should be in one block.

Such a block would be the whole of the land to the northward of Berkeley Sound, including a portion of the settlement at Port Louis, shaded red in the accompanying Map. By the nautical survey of the coast line, it appears to contain 101,520 acres, as nearly as possible; and it should be estimated at that content in any agreement, so as to obviate the necessity of a re-survey, the expense of which might be deducted from the price affixed by Government on the land in the colony.

Of this allotment $\frac{4}{20}$ may be considered deep bog; $\frac{5}{20}$ wet at present, but good land in itself, bearing grasses, and capable of great improvement by the extensive operations of a company; $\frac{3}{20}$ thin soil, with scanty herbage;† $\frac{5}{20}$ medium land, available for grazing at once, but by being systematically depastured would soon be converted into very excellent grass lands; $\frac{3}{20}$ remarkably good land.

I have drawn the boundary line of the proposed allotment so as to include the present government-house,‡ garden, and out-buildings, which, although small, and out of repair, would yet be very serviceable to an establishment at the commencement. The boundary would also abut upon the allotments of the future village of Port Louis, in which a few stone-built cottages are already constructed. It is also in Fish-house Creek that the mullet and smelt are caught in the greatest numbers, and it is there where a small fishing establishment is at present carried on. It will be observed that the only land boundary to the above block of land is from Government-house to Port San Salvador, a distance of about two miles, and easily enclosed.

Should it be considered that the quantity of indifferent land is not counterbalanced by the advantages of site, and the possession of the present government buildings, garden, and good land in the neighbourhood, a deduction from the purchase-money could be easily arranged; and it is certainly true that much of the land would not be purchased by an ordinary settler. For the remainder of the company's allotment, I would recommend that the peninsula at the southern extremity of East Falkland be portioned off, adding Eagle Island, upon which are the pigs. All this allotment consists of the best land about the islands,§ and contains 76,880 acres.

I not only advocate the sale of the cattle, horses, and pigs to a company, because it would be a mutual advantage to them and to the Government, but because I also think it would materially benefit the poorer settler, as he would be enabled to purchase an improved breed and tame cattle from the company at

* The thickness and weight of the bull's hides (often weighing 70 and 80 lbs.) might perhaps be objected to in the general hide market; but the average, I am given to understand, are of an excellent quality as well as size.

† *See* No. 3, page 23; two acres required for one sheep.

‡ I have included the present government-house, because I contemplate a removal to Port William, but should Port Louis be adopted as the site of the chief town, it would be necessary to construct a new government-house, and then a better site could be chosen.

§ By report; I have not seen it.

at much lower price than it would cost him to capture and tame cattle with his own limited means.

The second mode of disposal, namely, granting licences to capture, upon the payment of a fixed sum, would only benefit the wealthy capitalist, as far as forming a herd: the poorer settler, unable to capture and keep, would kill indiscriminately for present use, by the rifle or aid of dogs, or both, which could be effected, and is constantly done at present without any difficulty. The slaughter and waste which would then ensue would be very detrimental to the interests of the colony generally, although affording immediate food to a few settlers. To regulate the payment of licences according to the number caught and to prevent indiscriminate slaughter, would I fear be quite impracticable *.

Allowing the animals to be considered as wild beasts, and suffering any person to capture and kill without a licence, would have all the disadvantages of the second mode proposed, and be an unnecessary sacrifice on the part of Government.

The last mode is, that of Government continuing to capture and sell as heretofore, but upon an extended and improved plan. This certainly from its speculative character is objectionable, when any other equally advantageous to the general interests of the colony can be adopted; but in case that an arrangement with a company cannot be effected, and that the tide of emigration is not likely to flow in too fast, it is certainly a mode far to be preferred to either the second or third, and it could be conducted without difficulty after a short time, and would amply repay the small outlay. It should be managed by a bailiff or steward (to be paid out of the proceeds †), selected, for the purpose, and who shall have previously visited the Estancias in the neighbourhood of Buenos Ayres, to inspect their system, and to procure an intelligent capitaz, guachos, and well-trained horses. A small barrack of one room would be required for the men, with corrals and enclosures, to be built by them, with dry stones and sods (no mortar) for the cattle and horses; these, with plenty of good horse-gear, would be almost everything required, excepting a cattle-shed, calf-house, and a herdsman or two for the tame cattle; neither stables, shoeing forges ‡, barns, straw-yards, nor any of the usual accompaniments of a well-appointed English farm would be required; simply well-trained horses and a proper number of efficient guachos, with enclosures to prevent the animals from straying. There should not be fewer than one capitaz, 10 guachos, and 60 good horses. The supply of fresh and salt beef to ships calling, and cattle partially tamed to settlers, would far more than repay the cost of the establishment, and the interest of the first outlay in proper buildings, besides having the effect of greatly promoting the welfare of the colony. The farm could be so arranged and situated as to be easily sold by auction when settlers could take the place of Government in the sale of beef. I consider that the expense of establishing such a farm would be covered by a thousand pounds for the first outlay, and that it would afterwards more than maintain itself.

Sale of land.

I have given the fullest consideration to the letter from the Colonial Land and Emigration Board to Mr. Under-Secretary Stephen, dated 30th March 1841, and particularly to that part relating to the sale of land; their suggestions upon that head being adopted by Lord John Russell, and referred to in the instructions laid down for my guidance by his Lordship, it is therefore with the greatest deference that I venture to submit the following alterations for your Lordship's consideration:

For Letter of the Colonial Land and Emigration Commissioners, 30 March 1841, *vide* Papers ordered to be printed 27 Aug. 1841, No. 3, p. 19

In forming my opinions as to the price of land to be sold to settlers, I have considered,

1st. That it should be sufficient to bring out labourers, with a due proportion of artificers, in the numbers of nine to a farm of 640 acres.

2dly. That it should pay the expenses of the survey.

3dly. That a portion should be devoted to the general funds of the colony; but chiefly to be applied to the formation of roads, bridges, and other public works.

With

* The crews of vessels land and kill cattle, particularly large calves, without any difficulty; three men and two dogs are sufficient. This is a notorious fact.

† So much upon every animal killed or sold.

‡ None of the horses are shod here.

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Expense of conveying emigrants.

With regard to the first, it is difficult to say at what price emigrants from England could be imported. The length of voyage may be considered to average three months, but with the best description of vessel, such as have lately been employed, and indeed built expressly, I believe, by the New Zealand Company, the voyage would probably be performed in about two months and a half. The voyage to Australia averages four months, and the charge is about 18*l.* It is true that at present there is no return cargo from the Falkland Islands, but cargoes may always be obtained from round Cape Horn, at three to four weeks' sail from hence (at good freights); cargoes are also sure from the River Plate at the proper seasons, about a fortnight's sail from hence, or from Rio de Janeiro. I am therefore inclined to agree with the Commissioners of Land and Emigration in thinking that 12*l.* per head would be a sufficient remuneration, and be the sum demanded after a short time.

This sum, at nine labourers and artificers for a farm of 640 acres, would be at the rate of 3*s.* 4½*d.*, say 4*s.* per acre.

Expense of survey.

The expenses of an allotment survey in this open country, if carried on by at least five parties engaged at once, each consisting of one surveyor and three chainmen, with a lad to attend the tent or small portable house,* baggage, and three baggage horses, and to cook, ought to be amply covered by 3*d.* per acre, if the lands are bought up nearly as fast as surveyed.

I propose for your Lordship's approval, that the plan to be adopted be the one recommended by Captain Dawson, Royal Engineers, in the Report made by him to Lord John Russell, dated 22d December 1840.

With some modifications, it is the simplest and readiest which could be adopted. By Captain Dawson's mode, taking a block of country ten miles each way, the measurement of five linear miles would allot 1,600 acres; this is rathe less than by the American plan, commonly followed; but by closing at every mile it ensures great accuracy, and prevents future disputes, litigation, &c.

Allowing for detailed surveying along the coast line, bad days and winter, suppose that the out-of-door survey can only proceed at the average daily rate of 1¼ mile,† linear measurement; this would allot 400 acres per diem by each party, consisting of,

	£.	s.	d.
1 Surveyor at 12*s.* per diem, and rations at 2*s.* ditto - -		14	-
3 Chainmen (labourers) at 3*s.* per diem, each, and 2*s.* per diem for rations - - - - - - - - -		15	-
1 Lad to attend horses, &c. - - - - - - - -		3	-
Allowances for repairs of tent-house, harness, &c. &c., camp kettles, &c. - - - - - - - - - -		3	-
	£.	1 15	-

Thus the actual cost of the out-door party will be $\frac{35}{400}$*s.* = 1*d.* per acre.

If the survey proceeds at the average daily‡ rate of 400 acres, the five parties will lay out for allotment 62,600 acres annually.

Therefore if 3*d.* per acre be charged for the survey, 1*d.* would cover the expense of the out-of-door parties, and the remaining 2*d.* would give an annual sum of rather more than 5,000*l.*; sufficient, I should imagine, to cover the expense of the salaries of surveyor-general, two or three clerks in the office, besides the cost of instruments, stationery, and wooden building for an office and dwelling.

The total area of the islands I have computed at 6,000 square miles; it is probable that for a long time it would not be necessary to allot more than two-thirds, and this could be done by five parties at the above rate in four years.

The

* Such as is employed upon the trigonometrical survey in Scotland, and manufactured by Mr. Manning of Stepney, for about 24*l.* They are 12 feet in length by 9 feet in breadth, and the officers of engineers have no better shelter upon the summit of Scotch mountains, with snow around them. They would be better adapted for this country than tents, which I do not recommend.

† This is the very lowest rate at which it ought to proceed in so very open a country as the Falkland Islands, even allowing for all the bad weather proverbial to the place.

‡ Working days (Sunday not included).

The number of parties must depend upon the influx of settlers, but I do not think that there should be fewer than five.

I have alluded in terms of praise to the nautical survey now in progress, and near its completion, and I have examined into its accuracy, to ascertain whether it might be rendered available to supersede the necessity of a re-survey of the coast line, and I am of opinion, that although invaluable for nautical purposes, it is not sufficiently accurate in its minor details to calculate correctly the areas of the coast allotments.

The survey has been carried on for nautical purposes solely, and the method pursued has been that usually adopted in such surveys, namely, determining the position of a few leading points by observations of longitude and latitude, the intermediate prominent points by angles taken with instruments (both of which has been done in this case with great accuracy, I believe), and filling up the outline joining these prominent points, partly by observed tangent lines, and partly by sketching with the eye, but not by actual measurement with the chain, and taking offsets in the manner usually pursued in land surveys, where greater accuracy is required in the detail. The plotting is also upon far too small a scale* to determine the areas by reduction on the drawing.

The nautical survey, as a general guide, will be very valuable, however, to the officer to whose charge the surveying department may be entrusted.

Expense of public works of construction.

I have stated that but few bridges would be necessary in these islands; the harbours generally are excellent, needing no breakwaters nor improvement of channels, and but simple landing piers or jetties, as there is deep water close in shore, and only a rise of tide of about eight feet; the country is open and accessible in every direction; good materials for roads are abundant everywhere; and in a pastoral country, with a great facility of water carriage, bridle roads would be sufficient at present; therefore the public works for the improvement of the colony, which would be required for many years to come, can be neither numerous nor expensive. If 3 *s.* 9 *d.* per acre be put upon the land for this purpose, and two-thirds of the whole content of the islands be sold, it will raise a sum of 480,000 *l.* for this service alone.

Price of land per acre.

I have now stated that I consider 4 *s.* per acre is sufficient for the conveyance of emigrants to the colony, that 3 *d.* per acre is sufficient to cover the expenses of the survey, and that 3 *s.* 9 *d.* per acre upon two-thirds of the land in the colony will yield a sum of 480,000 *l.* for general expenses. This gives a total sum of 8 *s.* per acre, which I venture to suggest for your Lordship's consideration as the price to be fixed upon the land in this colony, instead of 12 *s.* per acre, proposed by the Commissioners of Colonial Land and Emigration. The sum I have ventured to propose is undoubtedly very low, but still it appears to be sufficient to cover the expenses it is intended to meet, and every inducement is requisite to overcome the deeply-rooted and generally prevailing prejudices against these islands, the first head against which appears to have been made by Captain Fitzroy, in his excellent and generally correct account contained in the second volume of the Voyages of the Adventure and Beagle.

I have also given my attention to the area and prices proposed by the Commissioners of Colonial Land and Emigration for the allotments in the chief town and suburbs, and I take the liberty of suggesting the following alterations for your Lordship's consideration, as being better adapted to the place and the circumstances of persons likely to become colonists.

That 600 allotments of a rood each (50† feet by 218) be laid out. That those round the market-place, and in front of the principal landing, be sold for 25 *l.* each, and the remainder for 15 *l.* That 500 suburban allotments of 25 acres be laid out in the neighbourhood of the chief town, and sold for 50 *l.* each; and that the allotments in the country towns and villages be laid out in half-acres, at 7 *l.* each.

Site of chief town.

The selection of the site for the chief town is a subject to which I have given my attentive consideration, and upon which I have the honour to report in an accompanying despatch, No. 17. I regret that I should feel myself under the necessity of delaying the formation of my opinion upon this point, but it is one of such grave importance, and the report which I have lately received from

* One inch to a nautical mile.

† Fifty feet of frontage.

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from Lieutenant Robinson, R. N., commanding Her Majesty's ketch Arrow, differs so much from the opinions expressed by the Lords Commissioners of the Admiralty, conveyed to me in a despatch which I had the honour to receive from the Right Hon. Lord John Russell, dated 26th August 1841 (p. 2), and in which opinions I fully concurred after my visit to that port in company with Lieutenant Tyssen, soon after my arrival, that I am induced to wait until a survey shall be made (it being a question of capaciousness), and I shall have visited the port again in company with Captain Ross, R. N., commanding the Antarctic expedition, and at present in these islands for the purpose of wintering.

The choice however lays between Port Louis and Port William, and allotments will be laid out in either long before the arrival of settlers can take place; a few of the suburban allotments will also be prepared, but from the smallness of my party, the many indispensable duties to be performed by them, and the intervening winter, it can scarcely be expected that many country allotments will be laid out.

Settlers best adapted to the colony

The settlers best adapted to colonize these islands would be from among the industrious population of the Orkneys and Shetland islands, accustomed to a hardy life, and as much seamen as landsmen; but all settlers from grazing and sheep farming districts would find land and climate admirably adapted to the kind of farming to which they have been the most accustomed. Brickmakers from the districts where bricks are burnt with peat, as in Huntingdonshire, would also be very useful.

Since my arrival I have received a notification of the desire expressed by some English residents at Buenos Ayres and Monte Video to emigrate to these islands, and requesting to be informed of the terms upon which land would be sold. They would probably bring many sheep from thence, as they are cheap*, although of an indifferent breed, and the passage is short.

Period of the year at which settlers should arrive.

I will take the liberty of concluding by recommending that settlers should arrive at these islands in the interval between the 1st of October and the 1st of January, but not later than February, and that they should reckon upon a voyage of three months' duration in the common class of merchant ships.

I have, &c.
(signed) *R. C. Moody*,
Lieutenant-Governor.

Enclosure in No. 7.

†Tussac Grass of the *Falkland Islands*.

Genus Carex.

Spicæ sexu distinctæ, masculæ una-plures, *Carex spicis masculis* sub 2, lineari-elongatis obtusis, femineis, 6–8; summis sessilibus infimis pedunculatis erectis ovali-oblongis, *squamis* lanceolatis ad apicem bifidis, longe aristatis, achenio obovato obtuse trigono bidentato.

Carex trifida, Curt. Sprengel Syst. Reg. V. iii. p. 829. "Tussac grass" of Weddel. "Tall sedgy grass, called Tussac," Fitzroy's Voyage, p. 260. Probably the "Tussac grass" found on Philip Barneveldt's Islands, Lennox, and Noir Islands; also on the Ildefonsas and Diego Ramirez, *vide* King's Voyage, *passim*. The strong bladed grass found in the S. Georgias, by Cook; it ought to exist in the herbaria of Freycinet's and D'Urville's Voyages.

A large species, of handsome growth and appearance, often lining the coasts from a little way inland to high-water mark, in large, close and dense tufts; flowers in January and February; roots densely matted, of thick fibres, forming large hemispherical or conical tufts, raised one foot above the ground.

I have counted 215 in a common tuft. *R. C. M.*

Stems very numerous, 50 to 60 together, stout, erect, creeping or ascending, sometimes branching at the base, two to four feet long, pale green, one inch in diameter.

Leaves sheathing at the base; the *sheath* smooth, triangular, with the angles smooth, five to eight inches long, pale glaucous, green; *ligula* short, membranous, pale brown; *lamina*

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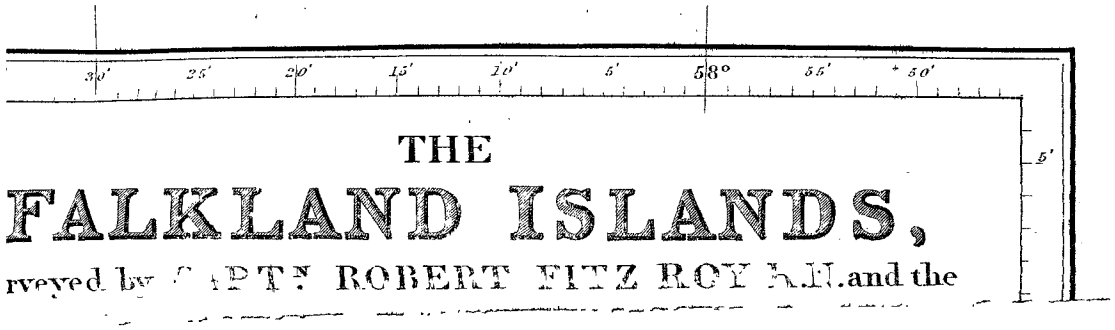
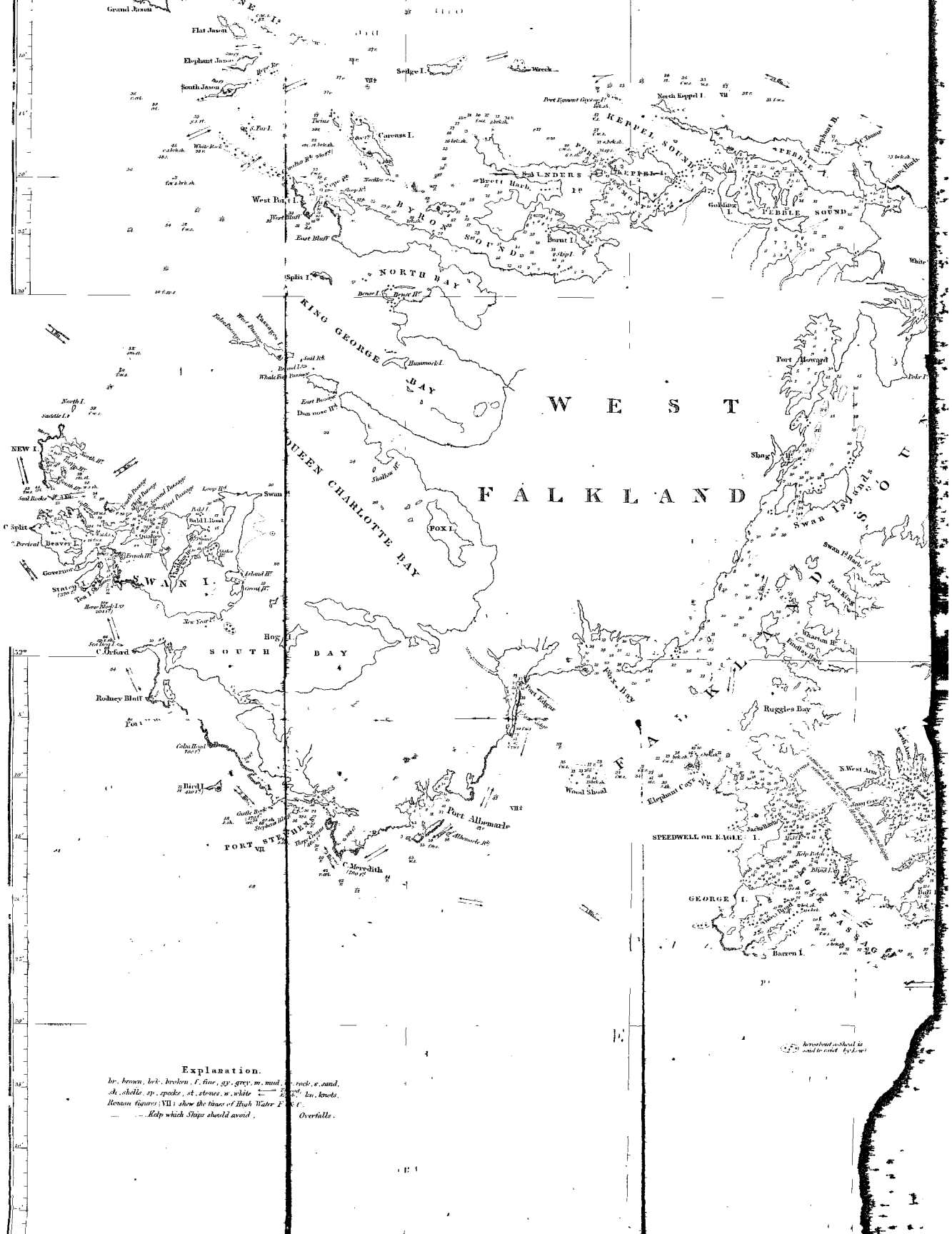
* Picked ones about 7 *d.* a-piece.

† For a description of the true Tussac grass, *vide* p. 70.


30'
25'
20'
15'
10'
5'
58°
55'
50'
5'
THE
FALKLAND ISLANDS,
rveyed by CAPTN ROBERT FITZ ROY R.N. and the



Grand Jason
Flat Jason
Elephant Jason
South Jason
Sedge I.
Wreck
North Keppel I.
KEPPEL SOUND
PEBBLE I.
Elephant B.
Caroass I.
SAUNDERS I.
Brett Harb.
West Point I.
West Bluff
East Bluff
BYRON SOUND
Burnt I.
Golding
PEBBLE SOUND
White
Split I.
NORTH BAY
Bense I.
Bense Hd.
KING GEORGE BAY
Hummock I.
Passages I.
Seal Rk.
Whale Pass
East Passage
Dunnose Hd.
Port Howard
Pole I.
WEST
FALKLAND
QUEEN CHARLOTTE BAY
Shallow Hd.
FOX I.
Shag Hd.
Swan Islands
Swan Hd. Harb.
Port King
Wharton Hd.
Findlay Harb.
NEW I.
North I.
Saddle I.
Seal Rocks
C. Split
Percival
Beaver I.
Governor I.
Stanley
Tea I.
Swan
Bald I. Road
Island Hd.
Grand Hd.
New Year Pt.
SWAN I.
Hog
SOUTH BAY
C. Orford
Rodney Bluff
Port Edgar
Fox Bay
Ruggles Bay
Wood Shoal
Elephant Cays
N. West Arm
Bird I.
Port Albemarle
Albemarle Hd.
PORT STEPHENS
C. Meredith
SPEEDWELL OR EAGLE I.
GEORGE I.
Barren I.
Explanation.
br. brown, brk. broken, f. fine, gy. grey, m. mud, rock, s. sand,
sh. shells, sp. specks, st. stones, w. white, kn. knots.
Roman figures (VII) show the times of High Water F. & C.
Kelp which Ships should avoid.
Overfalls.

CORRESPONDENCE RESPECTING THE COLONIZATION OF FALKLAND ISLANDS

Ordered by the House of Commons to be Printed April 1843

five to seven feet long, linear, gradually acuminated, keeled below, plane above, the margins slightly recurved, and, as well as the keel, scabrid under the lens, surface smooth but not glossy, soft and succulent, lurid green, trigonous towards the point. *Spikes* leafy, the leaves longer than the spikes, suberect aggregated or generally distant, conspicuous, eight to ten in number; the upper *male*, slender, erect or inclined, pedunculated, generally two in number, of which the terminal one is the longest, linear, cylindrical, obtuse, an inch and a half long, three lines broad; *female spikes* robust, larger and much broader than the male, generally six in number, the upper shorter and sessile, the lower pedunculated, peduncle short, obtusely trigonous, three quarters to two inches long, four to five lines in diameter, scales membranous or scarious, lanceolate, concave, entire at the margin, bifid and awned at the point, dark chesnut brown shining with paler striæ, the awn twice as long as the scale, scabrid. *Achenium* pedicellate, obovate, turgid, smooth, obscurely striated, trigonous, the angles rounded, pale brown when ripe, acutely bifid at the summit, shorter than the scale; styles three in number.

The other common grass is a well known one in Europe, first described as *Arundo alopecurus*, by M. Gaudichaud, in the Annales des Sciences Naturelles, vol. i. p. 103, from specimens brought home by Captain Freycinet.

— No. 8. —

No. 8.
Lieut.-Governor Moody to Lord Stanley.
30 April 1842.

(No. 18.)

COPY of a DESPATCH from Lieutenant Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
My Lord, 30 April 1842.

IN the report upon the colonization of these islands, dated 14th April 1842, which I have the honour of forwarding by the present opportunity, I have touched upon the allotment survey, its probable cost, 3*d*. per acre, and the mode in which I propose that it should be conducted.

I have also stated what I am inclined to consider should be the strength of the party to conduct it efficiently, rapidly, and economically; namely,

1 Chief surveyor.
5 Assistant ditto, employed continually in the field.
2 Clerks for the office.
15 Labourers as chainmen.
5 Lads to assist ditto.

Should your Lordship be pleased to approve of the above, I am further desirous of drawing your Lordship's attention to the importance of forwarding the party to the colony as soon as your Lordship may consider it convenient, with a proper equipment of stores for their maintenance and the performance of their duties, including portable wooden cottages.

I hope, in the course of the winter, and before their arrival, to have some land surveyed and ready for allotment in Port Louis and the neighbourhood, and also at Port William, and to inspect different parts of the country which I have not yet been able to visit, so as to determine previously the districts which should be opened out first; but the fulfilment of this latter duty must depend upon a small vessel of war being sent to supply the place of H. M. ketch Sparrow, recently left for Rio de Janeiro, or whether I may be enabled to hire some small vessel, which is a matter of great uncertainty. Probably the whole of the town and a few country allotments may be laid out, but my party is too small, and our duties far too multifarious, to expect much beyond that.

I hope that I may be pardoned for dwelling strongly upon the qualifications of the surveyors which may be sent. Scientific men, or men of general education, are not so much required as persons known to be well practised in the very simplest operations of surveying, and accurate in their work. To carry on an allotment survey needs no great acquirements, but simply steadiness, accuracy, and strict obedience to the orders of the chief surveyor, and I should not hesitate to recommend for this duty, soldiers of the corps of Royal Sappers and Miners who may have been employed upon the trigonometrical survey in Ireland, but that I am certain they cannot be spared from the important service upon which they are at present engaged.

FALKLAND ISLANDS.

I have a corporal * in the detachment under my command who has been employed upon the trigonometrical survey, and who would be available at present for the office, and could in a short time qualify himself for the field.

The surveyors should be desired to name their own chainmen, and bring them out from England, as the surveyor's duty would be somewhat facilitated if he had chainmen whom he had already drilled to that duty. I may notice that the supply of surveying stores † which I have brought out with me will not obviate the necessity of an additional quantity being supplied, as per accompanying list, No. 2.

I do not recommend that the detachment of Royal Sappers and Miners should be employed as chainmen because they are all artificers, carpenters, masons, bricklayers, and smiths, and good workmen at their different trades.

Their present working pay is 1*s.* 6*d.* per diem, whereas civil artificers in a colony would require 7*s.* or 8*s.* per day, and simply labourers ‡, but of an intelligent class, would answer sufficiently well for chainmen after a little drilling. I therefore propose to occupy the most part of my detachment in different necessary Government works of construction, both on the score of economy and efficiency, and to look for chainmen from England, should your Lordship be pleased to approve of their being forwarded to me.

Mr. Robinson, who accompanied me from England in the capacity of storekeeper and clerk, is a surveyor by profession, and in the intervals of his other duties is engaged in carrying out my views by surveying the ground, and is the actual surveyor at present engaged in laying out the town allotments.

Should your Lordship be pleased to entrust him with the duties of the surveying department under my general directions, it would only then be necessary to forward from England the five assistant surveyors, two office clerks, and 20 chainmen, and he being on the spot, and well acquainted with the ground by that time, could at once allot their different tasks.

But it would also be necessary that some person should be sent from England to relieve him from the duties of storekeeper and clerk in my office, so as to enable him to devote his whole attention to the survey.

I have, &c.
(signed) *R. C. Moody,*
Lieut.-Governor.

Enclosure in No. 8.

Enclosure in No. 8.

List No. 1 contains a Return of Surveying Stores at present in the Colony, and available for the Surveying Department.

List No. 2 contains a Return of Surveying Stores required to carry on an Allotment Survey of the *Falkland Islands,* in addition to the above.

No. 9.
Lord Stanley to Lieut.-Governor Moody.
25 January 1843.

— No. 9. —

(No. 12.)

Extract of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody.*

Downing-street, 25 January 1843.

I have had under my consideration your general Report on the present state of the Falkland Islands; and I have now to acquaint you that Her Majesty's Government propose to complete the measures in part carried into effect by my predecessor for the colonization of those islands.

It is my intention to apply to Parliament, in the ensuing Session, for the requisite

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* Corporal Richardson. † A list of which I have the honour to enclose.
‡ Young men from 20 to 25 or 30 years of age.

requisite authority to establish a legislative power there; and I have recommended to the Lords Commissioners of the Treasury also to apply to Parliament for the means of maintaining an establishment of Government, of which I enclose to you an estimate.

I further enclose for your information and guidance copies of a Report and of its enclosures, which I have received from the Commissioners of Colonial Lands and Emigration, on the topics which form the subject of your own Report.

The price of special lands can hardly of course be determined till the site of the capital, or seat of government is decided on,—a subject on which I propose to await the further information promised by you.

The question of the disposal of the wild cattle is one of some difficulty. On that head I should not be disinclined to treat with a company; but as the main object is to supply vessels with fresh meat at a moderate expense, I should not feel myself justified in establishing a monopoly, without security against the abuse of its privilege.

I trust that I may have it in my power to apprise you, at no distant period, of the nature of the stores which will be sent to you in the course of the present year, in compliance with the requisitions transmitted in your despatches of the 30th of April and 3d of May last; but it is not my intention to direct any steps to be taken for the disposal, either of the land or the cattle, until it is in my power to give fuller information to the public than I can at present, as to the legislative power and the establishment which it is proposed to provide for these islands.

Enclosure 1, in No. 9.

Encl. 1, in No. 9.

ESTIMATE of the Sum which will be required for maintaining the Government of the *Falkland Islands*, during the Twelve Months ending on 31st March 1844.

Four Thousand Three Hundred and Fifty Pounds.

	£.	s.	d.
Governor	600	–	–
Magistrate	400	–	–
Chaplain	300	–	–
Surgeon	300	–	–
Surveyor	200	–	–
Clerk	150	–	–
Labour and Survey, including Charge for Pay and Subsistence of Party of Sappers and Miners, to be refunded to Board of Ordnance	600	–	–
Expense of Civil Government £.	2,550	–	–
Stores	800	–	–
Building and Works	1,000	–	–
£.	4,350	–	–

Colonial Department, March 1843.

G. W. Hope.

Enclosure 2, in No. 9.

Encl. 2, in No. 9.

Colonial Land and Emigration Office,
9, Park-street, Westminster, 10 December 1842.

Sir,

We have the honour to state, for Lord Stanley's information, that we have considered the full and clear Report which has been received from Lieutenant-governor Moody concerning the Falkland Islands, and the capabilities which they possess as a place for settlement.

The results we gather from it are, that the climate is healthy but rigorous; that the soil, though not fertile, is easily improvable; that cattle readily grow fat upon the natural grasses, which are found upon the greater portion of the islands; and that as a settlement the chief island is well suited to pastoral but not to agricultural purposes. It further appears that but little outlay would be required of the settler in taking possession of his land, as neither timber nor obstructions of any kind have to be removed, while the utmost facility of communication will be found, both from the openness of the country and from the

FALKLAND ISLANDS.

numerous bays and creeks which in every direction penetrate deeply into the country. Animal food of several kinds is abundant, and there would appear to be no want of esculent vegetables; but flour would have to be imported. Stone, slate, clay for bricks, and fuel are also to be found; but timber and lime must be imported. The seal, whale, and common fisheries offer a fair prospect of advantage to persons engaging in them. It is not to be overlooked, that as the principal object of the settlement is to afford a port for refit and refreshment, with all the necessary accommodation, the number of ships which will in consequence resort to the colony will afford a ready means of supplying the settlers with the articles of import which they require, and furnish in turn an extensive market for the provisions which they will have to dispose of. Upon the whole, as has been before represented, there seems reason to expect that a small community of hardy and industrious settlers might prosper upon these islands.

Whenever Her Majesty's Government shall think proper to open them to the public as a field for colonization, we would venture to suggest that we should be authorised to publish at the same time the descriptive parts of Lieutenant-governor Moody's Report. Before this step is taken, however, it will be necessary to consider and settle certain questions connected with the preliminary arrangements. The chief points to which we refer are the following:

1. The Government of the Colony.
2. The Survey of the Lands.
3. The Price of Land.
4. The Site of the Capital. And,
5. The Wild Cattle.

1. The Government of the Colony:

On the 30th April 1841 Lord John Russell caused certain proposals for forming an establishment at the Falklands, to be submitted to the Lords Commissioners of the Treasury, and informed their Lordships that, if those proposals were concurred in, it was his intention to propose to Parliament a Bill, giving legislative power to the governor for three years. On the 19th July 1841 the Lords of the Treasury expressed their concurrence in the suggestions thus made to them, which involved an annual expenditure of 3,750 *l.*, but we believe that at that late period of the session the Bill which had been contemplated was not brought before Parliament. This step, therefore, we apprehend, if the intention of Her Majesty's Government should not be altered, would have to be taken before the systematic colonization of these islands can be proceeded with.

In the meantime the Lieutenant-governor has been established at his post since the month of January last, and a small population, partly from this country and partly from South America, is collecting round him, and, from his statements, is not unlikely to increase. He has with him one gentleman, who acts as storekeeper and clerk, and ten sappers and miners, together with a serjeant and corporal of the same corps. No person, however, has been appointed to the office of magistrate, which was provided for in the estimate proposed by Lord John Russell and sanctioned by the Lords of the Treasury. We would recommend that if Parliament should pass the Bill by which the colony would be placed on a proper and permanent footing, that some gentleman of legal attainments should be forthwith appointed to the office. We would further beg leave to renew the suggestion which we made in our Report of the 30th March 1841, and which we observe is also somewhat earnestly made by its Lieutenant-governor, that for the present the protection of a small vessel of war, such as has been hitherto stationed at the Falklands, may not be withdrawn. The lawless character of the crews of many vessels frequenting the harbours of these islands renders such protection, in our opinion, very necessary in the early days of the settlement.

2. Survey of Land:

Upon this subject we attentively considered the observations and suggestions which have been made by the Lieutenant-governor in his various reports. It appeared to us, that the scale upon which he proposed to undertake the survey was too extensive, compared with the demand for land which may be expected on the part of the public, and therefore, that the expense to be borne exclusively by this country would be proportionately and unduly great. Accordingly, as we observed that it was intended to employ Captain Dawson's method of survey, as proposed by him for New Zealand, we thought it might be desirable to refer to that gentleman such portion of the Lieutenant-governor's reports as related to the proposed survey, and to the surveying establishment and stores which he had applied for.

Our object was to ascertain whether any cheaper method than that proposed for New Zealand could be devised for the Falklands, or if not, whether the strength of the surveying parties, the rate of progress, and the general expense of carrying out the original plan, as laid down by Lieutenant-governor Moody, appeared to be correct. We have the honour to enclose copy of the letter containing the questions which we proposed to Captain Dawson, and of the reply which we have received from him. It will be perceived that Captain Dawson considers that the plan previously suggested by him should be adopted as the general rule, and he calculates, that in giving effect to it, one surveying party might set out a district of 13,000 acres, in sections of one square mile each, in 14 days, at a cost of one halfpenny per acre. When large blocks, however, have to be disposed of at once, he thinks that a less accurate plan might be adopted, by which a block of about the same size as in the former case might be divided into three sections in the space of seven days, at an expense of one farthing per acre. He also shows that the town, together with an extensive district around it, might be laid out in 22 days, by one party, at an expense of three farthings per

per acre. In answer to our question he further states, that one surveyor, with his attendant labourers, should be expected to measure from 15 to 20 square miles, or from nearly 10,000 to nearly 13,000 acres, per month. This rate of progress appears to us to be amply sufficient to meet all the demands for land which are likely to arise. We would accordingly recommend, as there is sufficient time for measuring the land before it can be offered for sale to the public at large, that only one surveying party should be employed, instead of the five recommended by the Lieutenant-governor. It would further, in our opinion, be desirable, with reference to the strict economy which Lord Stanley would doubtless desire to be observed, that the surveys should be conducted under the general superintendence of the Lieutenant-governor, and that the gentleman now acting as storekeeper, but who is by profession a surveyor, should be employed as head of the surveying party engaged in actual measurement; and that this party should be composed of such sappers and miners as could be best spared from the works upon which the Lieutenant-governor states they are usefully engaged. It would appear to us, therefore, quite unnecessary that any additional strength for this service should be sent out from this country at the public expense. The only addition to the general establishment which it would be desirable to make would be a clerk, for whom provision was included in the estimate, which was approved last year by the Lords of the Treasury. We also think that the salary to the surveyor should be 200*l.* instead of 300*l.* as stated in the estimate. This latter sum was probably named for this officer upon the supposition that the general superintendence would devolve upon him. We have proposed 200*l.*, as it was the amount of salary sanctioned for the surveyors who have been sent out to the Australian colonies and to Ceylon. The amount of stores for the survey department required by the Lieutenant-governor appeared to us to be beyond the wants of the force which it would be desirable to employ. Captain Dawson has agreed in this opinion, and the experience in his department upon this subject is so great, that we should venture at once to recommend for adoption the list as reduced by him, and appended to his letter. The arrangement now proposed will not, as it appears to us, render necessary any increase in the estimate for the ensuing year. £.500 has been the sum before named for labourers, and if 100*l.* be taken off the salary of the surveyor, it might, we should apprehend, be made available to the surveying service generally, if required. The wages and rations of the one surveying party to be employed would amount, upon the Lieutenant-governor's estimate of daily expense, to about 280*l.* per annum; while the annual expense of the detachment of sappers and miners is estimated, we believe, at 374*l.* We are not aware from what source it is intended to defray this latter sum; but if it be decided that it is to be paid out of the money voted by Parliament for the colony, it is then to be considered, that as a portion of the 280*l.* estimated for the wages and rations of labourers on the survey would be expended upon the sappers and miners employed on that service, the sum of 374*l.*, estimated for the whole expense of the detachment, would be proportionately diminished; and thus the two sums would be brought within the 600*l.*, which it is proposed to consider applicable to the employment of labour. As soon, moreover, as any land was sold, a portion of the purchase-money would be used to meet the expenses of the survey. We would take the liberty of recommending, that Captain Dawson's letter should be forwarded to Lieutenant Moody, for his information.

3. The Price of Land:

Lieutenant-governor Moody has entered into calculations to show that the sum of 8*s.* per acre for ordinary country lands would produce sufficient money to meet the expenses of a due amount of emigration, of the surveys, and of the public works. Another and important consideration would be the price which is likely to be obtained; but, as from such means of information as we possess there appears no reason to think that any person would be willing to pay a higher price for land at the Falklands than the one here named, we would agree with the Lieutenant-governor in recommending its adoption. At the same time, as the disposition to purchase can only be ascertained by experience, and after the colony has been thrown open to settlement and a government formed there, we think it would be desirable that it should from the first be made known that the price would be liable to be raised as soon as a certain quantity, say 10,000 acres, had been sold. With respect to the town and suburban allotments, we would offer no objection to the rate of price which is proposed for them by the Lieutenant-governor, but it appears to us not desirable to limit the extent of the town lots to one quarter of an acre. The earlier land regulations of the Australian colonies fixed half an acre for the town lots, and, as a general rule, we think that a less extent would not be convenient to purchasers, who might be expected to require yards or gardens adjacent to their houses. Particular cases of exception might doubtless occur, and be decided by the Governor. With regard to the land immediately surrounding the town, we should recommend that the divisions marked out in the sketch which accompanies Captain Dawson's letter should be followed; the plan seems to offer every facility for the surveys, and the variation in the size of the allotments would probably be found advantageous in disposing of them. We would beg leave to suggest that as soon as 100 of the town allotments had been sold at the fixed price, the remainder should be put up to auction whenever it was thought desirable to bring them into the market.

4. The Site of the Capital:

This apparently will depend upon the decision of the question, which of the two principal harbours now in use offers the greatest advantage in point of accessibility and accommoda-

FALKLAND ISLANDS.

tion to vessels resorting to the islands. Lieutenant-governor Moody, and Lieutenant Tyssen, R. N. would apparently much prefer Port William, while Lieutenant Robinson, R. N. who has been engaged for three years in surveying the coasts, recommends Port Louis, as more advantageous in respect to capacity and security than any other port in the Falkland Islands. Captain Sulivan, R. N. also, who was at the Falklands with Captain Fitzroy, and afterwards commanded a vessel engaged in the nautical survey, in a letter addressed to our Board, expresses his opinion that no port can be put in comparison with Port Louis; and he considers the neighbourhood of Port William ineligible for the site of a town, as the ground is of a very swampy character. Captain Fitzroy, though praising highly the accessibility of Port William, yet apparently considered that the chief settlement might be formed with advantage near either port. We find, however, that it was the Lieutenant-governor's intention to revisit Port William in company with Captain Ross, commanding the Antarctic expedition, and to cause a survey to be made of it, considering the question to be one of capaciousness. We believe that no further report has yet been received from him on the subject. We conclude that wherever the capital and chief port shall be fixed, due attention will be paid to the desire expressed by the Lords Commissioners of the Treasury, in Mr. Trevelyan's letter to the Colonial Department, of the 30th October 1840, that no property shall be alienated which may be useful for the establishment of naval depôts or other public purposes; and that the Lieutenant-governor, in conjunction with the naval officer in command, will decide upon the spots to be reserved for the use of the navy, should the Lords of the Admiralty think proper at any time to use the colony as a naval station.

5. The Wild Cattle:

We agree with the Lieutenant-governor that the best plan, upon the whole, would be to dispose at once of all the wild animals, including the horses, &c. to a company, should one be formed for the purpose of taking part in the colonization of the islands, but to require, as a preliminary condition, that the company should purchase the tracts of land best suited for the confinement of the animals, as for instance, those nearly surrounded by water, and to enter into an obligation to bring them under management within a certain specified time. We are convinced that until they become private property, it will never be possible to protect them.

The sum which it is proposed to ask for all the animals of an useful kind now upon the islands is 30,000 *l.* As some part of this sum must be considered as payment for the horses and other animals, the price per head for the cattle, which are reckoned at the least at 30,000, would be less than 1 *l.* per head; a sum which, we may remark, has generally been considered as below the real value. Captain Sulivan, in the letter from which we have already quoted, considers that no contract should be made in respect to the cattle that would not bring to the Government "a revenue of at least 2 *l.* per head." The wholesale character of the transaction, however, as proposed by the Lieutenant-governor, and the expediency of relieving the Government from the expense of management, might render the price named sufficient. On the other hand, again, so little can be known of the desire which exists, or may arise, to invest capital in the colonization of these islands, that until full information as to their condition and the intentions of the Government respecting them is made known, it is impossible to say whether even the price above named, with the conditions which it would be proper to annex to the purchase, could be obtained. The safer course, it appears to us, would be not to fix the price until the public had had an opportunity of considering all the authentic information respecting the colony, and the advantages it affords, which can now be furnished from the Lieutenant-governor's Report.

In the meantime the management of the cattle must remain, as heretofore, in the hands of the Lieutenant-governor, who, we observe by his despatch of the 22d May, had found it necessary to write to the British Consul at Buenos Ayres for a small reinforcement of guachos and horses, to be employed for a limited time in capturing such animals as are required. There would appear little reason to doubt that any moderate expense incurred by the Government on this account would be repaid by the ready sale of the meat and hides of the animals, which, to diminish the expense of management, should be disposed of as far as possible by wholesale. We do not think, however, that it would be desirable that any operations should be undertaken on so extensive a scale as that mentioned by the Lieutenant-governor in his General Report, in which an outlay of 1,000*l.* in establishing a government farm is contemplated. Should it prove that no individual or company was willing to purchase, or even take the management upon lease of the cattle, we think it might be desirable, whenever the public lands shall be sold, to require every purchaser of country land to take at a fixed price a certain number of cattle, in a proportion to the extent of his land, to be named by the Lieutenant-governor, and with such number of males to females as might be appointed by the same authority. The animals would be caught and delivered by the guachos of the government.

In conclusion, we would beg to recapitulate the suggestions we have made as to the first steps which have now to be taken in respect to the settlement of this colony.

1. That a bill should be proposed to Parliament to provide for the government.

2. That the protection of a small vessel of war, such as has hitherto been stationed there, should be continued.

3. That a clerk and store-keeper, acting under the Lieutenant-governor, should be sent out to relieve the surveyor, who is at present performing the duties of those offices.

4. That

4. That the charge for the surveyor and labourers taken together should remain the same in the future estimate as in the one printed in the papers laid before Parliament on the 27th August 1841.

5. That Captain Dawson's report should be forwarded to Lieutenant-governor Moody for his information.

6. That the operations of the Lieutenant-governor, in respect to the wild cattle, should be confined as much as possible to the capture and delivery of such animals as may be required by the settlers and the crews of vessels; and that in any case care should be taken that no risk of loss to the public should be incurred by the management of them.

We have, &c.
(signed) *Edward E. Villiers.*
John George Shaw Lefevre.

(Copy.)

Colonial Land and Emigration Office,
Sir, 9, Park-street, Westminster, 12th Nov. 1842.

I am directed by the Colonial Land and Emigration Commissioners to transmit to you an extract from the General Report of the Lieutenant-governor of the Falklands, and also a copy of one of his despatches, dated 30th April 1842, both of which relate to the arrangements which it will be necessary to make for effecting the survey of the waste lands in that colony.

The Board would feel much obliged to you if you would take the suggestions of Governor Moody into your consideration, and report your opinion respecting them. It may be right that I should mention that, with a view to settlement the lands in this colony appear to be principally calculated for grazing purposes, and that tracts of land rather than small farms are therefore likely to be required by individual purchasers. There are no trees whatever on the islands, and consequently there will be no obstruction from that cause to the progress of the surveys.

With these observations I am to state that the following are the points to which the Board would request to draw your attention with reference to the enclosed papers.

1. Could you recommend that, due regard being had to accuracy, the lands intended for sale should be laid out in larger divisions than one square mile each?

2. In the case of lands which might be demanded on lease for pasturage, would there be any method by which an estimate of the contents of blocks, having some natural boundaries, could be obtained more cheaply or expeditiously than of the usual mode of measurement?

3. Is the strength and composition of each surveying party proposed by Lieutenant-governor Moody such as you would recommend?

4. What is the amount of land which each such party should measure in a month, making allowance for days on which work might not be done, and supposing that no further subdivisions of the land than into square miles should be made?

5. Does the expense of each party appear to be correctly estimated by the Lieutenant-governor?

6. Would it be advisable in any manner to use the services of the sappers and miners (12 in number) now at the Falklands, in conducting the surveys?

7. With reference to the list of stores required by the Lieutenant-governor, what amount would, in your opinion, be reasonable upon the supposition that only one surveying party was sent out, and what proportionate increase should be made in them in the event of there being two or more such parties?

In addition to these questions, should you be so good as to reply to them, the Board would feel much obliged to you to add any general remarks upon Lieutenant-governor Moody's communications, which might seem to you desirable.

I am, &c.
Captain Dawson, R. E. (signed) *S. Wallcott*, Secretary.
&c. &c. &c.

(Copy.)

Sir, Somerset House, 20 November 1842.

I HAVE the honour to acknowledge the receipt of your communication of the 12th instant, and having attentively considered the reports of the Lieutenant-governor of the Falklands, which the Colonial Land and Emigration Commissioners then did me the honour to refer to me, I beg to report for their information as follows:

1. Supposing the system of surveying by squares to be adopted, as recommended by me for New Zealand, I should not consider it safe as a general rule to make the sides of the squares more than one mile in length, because, in the event of erroneous measurements,

FALKLAND ISLANDS.

which must be expected sometimes to occur, the surveyor is required to measure back again the distances for the purpose of verification; and the re-measurement of any greater distance than a mile is attended with much inconvenience and loss of time. There is always danger therefore of the re-measurements being evaded, and expedients substituted of a less satisfactory nature.

Under favourable circumstances of flat and even ground, or in order to embrace tracts of hilly, rocky, or marshy ground, it would be practicable and sometimes even desirable to increase the sides of the squares to two miles in length: but such cases should always, in my opinion, be considered as exceptions to the general rule, and be specially sanctioned by the local government.

2. As regards the use of the natural lines of the ground for boundaries of sections, in preference to the arbitrary lines of squares:

The natural lines are: the lines of mountain ridges, the lines of streams, and the coast.

These are undoubtedly to be considered preferable to arbitrary lines on account of their permanence and the greater facility of identifying them upon the ground. The increased extent which such lines must give to the sections, and the difficulty of surveying them, are the chief objections to their general adoption.

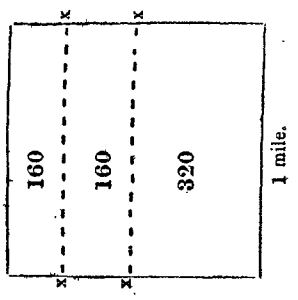
In the Falklands, which appear to be fit only for pasturage, and must for that purpose be occupied in large blocks, the objection as to increased size will not hold; and it remains only to be considered, whether the natural boundary lines of such blocks can be determined, and their acreable contents be estimated more cheaply and expeditiously than by the ordinary method.

On the annexed sketch, the coast-line of which is taken from Captain Fitzroy's chart, I have filled up a district (on the left hand or western side) to represent an imaginary subdivision into sections of from 800 to 2,300 acres each.

Through the middle of the district I have drawn a strong dotted line, which may be supposed to represent a main ridge, the line of which would have to be surveyed. Other dotted lines, descending from the main line between the streams to the coast, would also have to be surveyed for the determination of the streams; and a third set of lines, forming a circuit of the district must be surveyed also for determining the coast.

This is the simplest system of measured lines which, under such circumstances, could be considered applicable and sufficient for the purpose. It will be seen that they do not, by any means, apply closely to the sinuosities of the coast line and streams; and that, in reality, to obtain even a tolerable degree of accuracy in the results of the survey, the measured lines must follow the natural lines more closely, and therefore traverse a greater number of linear miles than are represented by the lines on the sketch.

The length of the lines on the sketch however is, by measurement, 41 miles; and were the whole district to be set out in square miles according to the New Zealand system, the number of miles measured for the purpose would be only 42, being but one mile more than the former method would require. And while the survey of natural lines gives sections varying from 800 to 2,300 acres each, the system of squares would set out the whole district in sections of 640 acres each, capable of a further subdivision (without additional cost) into sections of 320 and 160 acres; all that would be necessary to effect this further subdivision being, that the surveyor should leave a mark on the ground at every quarter of a mile.



The advantage, therefore, is clearly in favour of the survey by squares; and if it be further taken into consideration, that this system of survey is the simplest possible, and requires scarcely any previous training of the persons employed, and that the other system of traverse surveying along the natural lines calls for a very considerable degree of skill and judgment in the surveyors, as well as care and nicety to avoid errors, and to supply proper checks on the accuracy of the work, I cannot hesitate to recommend the system of surveying by squares for the Falklands, whether the boundaries by natural lines be adopted or not.

I conceive that in measuring along the sides of the squares sufficient observations would be made for determining the lines of streams and the coast, or that a very small additional amount of labour would supply what was wanting for that purpose, and certainly much less than would be required by the former system.

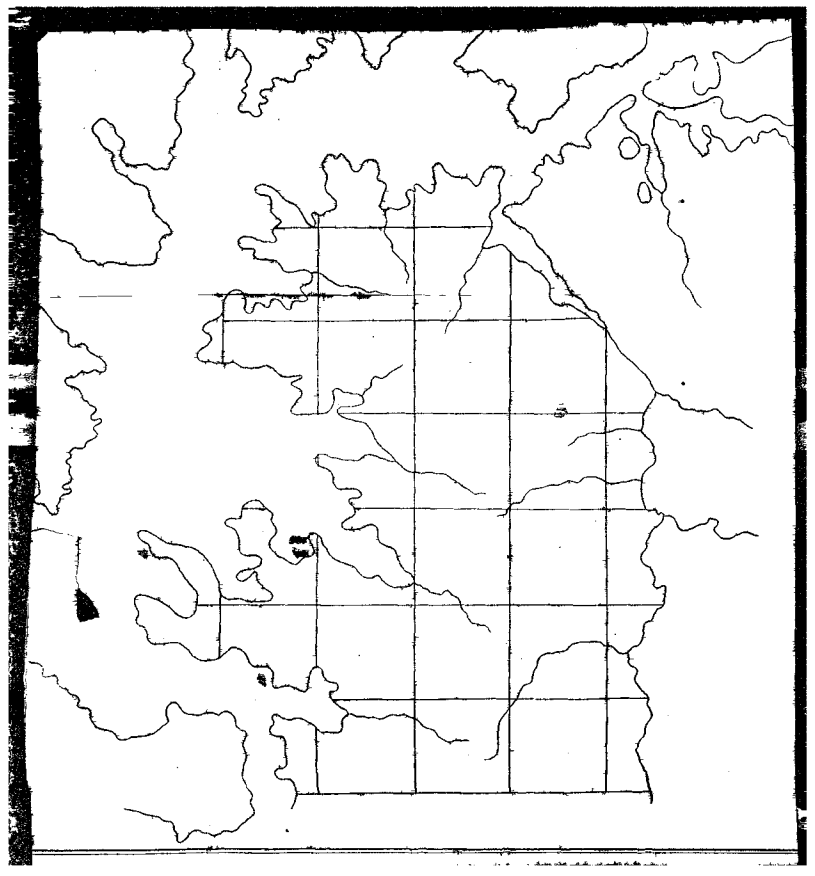
A fly-leaf of paper attached to the sketch affords the means of comparing the two systems.

This district comprises altogether about 12,900 acres, divided into 12 sections, the survey of which, by the measurement of 42 linear miles at the rate of three linear miles per diem, should be completed by one surveyor and his attendant labourers in 14 days, at a cost (according to Governor Moody's estimate of 1 *l.* 15 *s.* per diem), of 24 *l.* 10 *s.*, or about one halfpenny per acre.

Supposing it then to be determined that the system of surveying by squares should be adopted as the general rule, I should still think it might be desirable, when very large blocks of country of 5,000, 10,000, or 20,000 acres each were to be set out, to depart from the general rule, and resort to the traverse system in preference.

The

A SKETCH
to illustrate the annexed
REPORT.
Scale of One Inch to a mile.
N
Robt K. Dawson
Capt R.E.
4200
5000
4000
320
80
20
PORT LOUIS
20
80
320
80
20
80
320
BERKELEY SOUND
2500
850
1000
800
800
1000
800
800
1250
1900
1400



The course which in such cases I should recommend is illustrated in the upper or northern portion of the annexed sketch, where three sections are set out, varying from 4,000 to 5,000 acres each.

The lines to be measured along the high grounds are marked by a strong dotted line on the sketch, and some of the observed angles for determining points on the coast line are shown by finer dotted lines. The angles actually observed for this purpose would of course be much more numerous than those shown on the sketch, and would extend also to the determination of points along the boundary streams of the blocks. In the example here given, the measured lines are made to represent the boundaries of the sections; but streams, when they can be determined easily, should be preferred.

The lines measured for setting out these three sections are about 20 miles in length; which, at the rate of three miles a day, should be measured by one party in seven days, at a cost (according to Governor Moody's estimate), of 12 *l.* 5 *s.*, or about one farthing per acre on the gross contents.

It will be seen that this system of procedure is less perfect than that of the squares, in leaving considerable portions of the boundary lines untraversed; and it requires far greater skill, and judgment, and care, in the performance of the work. It is to be supposed, however, that demands for such large detached blocks of land will be of rare occurrence; and that a close approximation to accuracy will not be insisted on if the interests of the purchaser can be protected by a liberal per centage allowance on the estimated quantities sold.

The remaining district, which I have subdivided upon the sketch, is intended to represent the immediate neighbourhood of the chief town, and is set out in conformity with the suggestions of the Colonization Commissioners, as stated in the Papers relating to the Falklands, printed by order of the House of Commons on the 27th August 1841. The only difference being, that I have assigned a square mile, or 640 acres, instead of 500, to the town itself; and that the suburban allotments are comprised within a belt, half a mile in width, containing 1,720 acres, divided into 86 sections of 20 acres each, instead of a district of 1,000 acres, divided into sections of 25 acres each. In a second belt, also half a mile in width, I have arranged 33 rural sections of 80 acres each; and in the outer belt, of one mile in width, 22 other sections of 320 acres each.

The town itself will be set out in half-acre allotments, for which no estimate can safely be made here. The remainder will stand thus:—

		Acres.
	The town (undivided) - - - - - -	640
86	Suburban allotments of 20 acres each - - -	1,720
33	Rural - ditto - 80 ditto - - -	2,640
22	Ditto - ditto - 320 ditto - - -	7,040
TOTAL - - 141	Allotments, containing - - - - - -	12,040 Acres.

The actual measurements on the ground requisite for setting out these allotments (independently of the subdivision of the town) would be 66 linear miles, which, at the rate of three miles per diem, should be completed by one party in 22 days, at a cost according to the Governor's estimate of about three farthings per acre.

Combining this with the previous results, we have,—

Allotments.	——	Contents.	——	Days.
141	in the town settlement - -	20 to 30 acres	set out in	22
12	„ western settlement -	800 to 2,300 „	„	14
3	„ northern settlement -	4,000 to 5,000 „	„	7

In all 156 allotments, containing 38,740 acres, to be set out in 43 days by one surveyor and his attendant labourers.

The above statement, coupled with the knowledge which the Colonial Land Commissioners possess as to the probable rate and amount of emigration to the Falklands, will, I should hope, enable them to determine what further addition, if any, should be made to the surveying staff.

In explanation of the difference in the daily rate of progress, as estimated by Governor Moody and myself, his estimate being but one mile and a quarter per diem, and mine three miles, I would beg to point the attention of the Commissioners to the testimony of Mr. Kingston, in the Third Report of the South Australian Commissioners, page 31, who states, from his own personal experience, that three linear miles per diem is not too much to be expected from each surveyor in South Australia. The information which I have subsequently obtained from persons engaged in that service, fully confirms that opinion; and if such be the acknowledged rate of progress in a country partially covered with wood, it cannot be considered too much to expect in the Falklands, where there is not a stick standing to obstruct the surveyor.

FALKLAND ISLANDS.

3. The strength and composition of each surveying party appears to me very properly estimated by Governor Moody.

4. The quantity of land which each surveying party should measure in a month (the subdivisions not being less than one square mile each) should be from 15 to 20 square miles, allowing them to work at the rate of three linear miles per diem for 15 or 20 days. And the days not employed in the field should be sufficient for the rough projection of the work on paper.

5. The expense of each party appears to be very fairly estimated by Governor Moody.

6. I am of opinion that it would be highly expedient to apply the services of the sappers and miners, now at the Falklands, in survey duties to the full extent that they can be made available and useful for the purpose, as they, having been long trained to habits of strict discipline, might be expected sooner to fall into the general system, and to work it out with greater regularity. The Governor reports, that one of his sappers is already qualified to act as a surveyor; and one or more of the others might probably be qualified in a short time to act if required. With a view to this end, it might be advisable to send out civil artificers as emigrants to supply the place of the sappers thus withdrawn.

It should appear also highly advisable to send out a clerk and storekeeper to relieve Mr. Robinson, the chief surveyor, from the performance of such duties.

7. The list of stores which is herewith returned, has been altered by me, to show the stores which should in my opinion be supplied in addition to those which the Lieutenant-governor reports to be now in his possession, on the supposition that one surveying party only is employed.

If two surveying parties be employed instead of one only, they would require, in addition, one four-inch theodolite, three Gunter's chains and arrows, one set of drawing instruments, one ivory protractor scale, one sketching case, one measuring tape; and so in proportion for every additional surveyor, with a trifling addition of stationery.

In conclusion, I would beg the favour of the Colonial Land Commissioners to bear in mind, that the suggestions herein offered are founded on general principles, the practical application of which may require considerable modification, and that a large measure of discretionary power must be confided to the local government.

From my personal acquaintance with Lieutenant-governor Moody, I am led to feel great confidence in his zeal and ability to carry out in the most satisfactory manner any system of survey that may be decided on here; or to modify and adapt it in the most judicious manner to the circumstances of the country in which he is placed.

I have, &c.

(signed) *Robert K. Dawson*,
Captain Royal Engineers.

S. Wallcott, Esq.
&c. &c. &c.
Colonial Land and Emigration Commission.

List, No. 1.

SURVEYING STORES at present in the Colony, and available for the Surveying Department.

3 four-inch best theodolites, with tripods.
5 best Gunter's chains and arrows.
100 feet of chain and arrows.
4 ten-link staves.
2 twelve-feet staves, with vanes.
2 ash poles, with shoes.
4 paper protractors.
2 angles and rulers.
1 beam compass, with pen and pencil points.
1 three-feet brass standard scale.
2 sketching cases.
1 large drawing table for office.

(Supplied by Troughton & Sims, Fleet-street.)

List, No. 2.

SURVEYING STORES required to carry on an Allotment Survey of the *Falkland Islands*, in addition to the above.

2 Gunter's chains.
1 et of mathematical instruments in skin ases (Elliott, Holborn.
1 ivory protractor for the field.
2 sketching cases.
12 ink bottles for button-holes.
12 asses' skins (pieces of, for sketching cases).
Brass protractor for office, one foot diameter
12 paper ditto.
1 station pointer.
1 six-feet steel ruler, with standard inches marked upon it.
1 beam compass (large size) five feet.
2 computing scales, same as at the Tithe-office, Somerset House.

150 ash

150 *ash poles, with shoes (from 8 to 12 feet).
50 field books.
6 blank folio ditto.

Paper.

100 sheets of double elephant.
100 ditto of imperial.
"Mounted paper," the width (being antiquarian lengthwise) four feet four inches, and the length 20 feet, to be obtained from Ruff, Hind-court, Fleet-street.
This would be a sufficient supply for the whole survey of the Falkland Islands.
100 sheets of tracing paper.
10 ditto of black-lead paper.
4 doz. Newman's H HH pencils.
4 doz. ditto H pencils.
This would last the whole time.
1 lb. of Indian rubber.
200 pens (crow).
500 common pens.
100 steel pens, writing.
12 pieces tape.
2 lbs. sealing-wax.
4 boxes wafers.
12 lead weights.
1 wafer stamp.
20 quires foolscap paper.
20 ditto, note ditto.
5 ditto, blotting ditto.
4 portfolios, one large, two middling, and one writing.
12 balls twine.
1 inkstand.
2 penknives.
6 bottles of ink.
2 cakes of Indian ink.
1 colour-box complete, slide top, and 12 saucers, separate.
2 pieces of sponge.
12 sable brushes, of all sizes.
2 measuring tapes.
6 sketching boards, different sizes.
2 tables (common deal) panelled tops.
1 portable house, similar to those manufactured by Mr. Manning, of Holborn and Stepney, for the Ordnance Survey in Scotland; to be made strong, and easily taken to pieces and set up.

— No. 10. —

No. 10. Lieut.-Governor Moody to Lord Stanley, 30 April 1842.

(No. 17.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands, 30 April 1842.

My Lord,

IN obedience to the orders which I had the honour to receive from the Right honourable Lord John Russell, conveyed in a despatch from his Lordship, 25th August 1841, No. 3, I proceeded, soon after my arrival, to Port William, accompanied by Lieut. Tyssen, R. N., commanding H. M. ketch Sparrow, for the purpose of examining the port, to ascertain whether it was better adapted as the site of the chief town than Port Louis.

The result of which examination was, that we both coincided in the opinions expressed by the Lords Commissioners of the Admiralty conveyed to me in the above-mentioned despatch.

The selection of the site of the chief town is, however, a matter of such grave importance, that I considered it advisable to request Lieut. Robinson, R. N., commanding H. M. surveying ketch Arrow, to visit Port William, and after giving his attentive consideration to the subject, to acquaint me with his opinion, Lieut. Robinson having been engaged for three years in surveying the coasts of these islands, and being well acquainted with the facilities of most of the harbours. He has done so, and reports that he does not consider Port William sufficiently capacious within the points of security to be available for a naval, nor even a mercantile, station of importance; but that it is merely adapted for a few vessels at a time, touching on their passage, or for vessels in distress, unwilling or unable to beat up Berkeley Sound, and concludes by recommending Port Louis as more advantageous in respect to capacity and security for a port of importance, both in a naval and mercantile point of view (and it is to be presumed that it may become so eventually), than any other port in the Falkland Islands; it is therefore my intention, after making a careful survey of the port (the chief objection being its want of capaciousness), to visit it again in company with so distinguished an authority as Captain Ross, R. N. commanding the Antarctic Expedition now wintering in the Falkland Islands, after which I shall again have the honour of reporting to your Lordship upon the subject, and proceed at once to lay out the streets and town allotments in one or other port, so as to be ready for the reception of emigrants when they may arrive.

I have, &c.
(signed) *R. C. Moody*,
Lieutenant-Governor.

* There is no wood at the Falkland Islands.

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— No. 11. —

No. 11.
Lieut.-Governor Moody to Lord Stanley,
6 June 1842.

(No. 25.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
My Lord, 6 June 1842.

I HAVE the honour of forwarding for your Lordship's information three statistical tables, showing the state of the colony on my arrival in January last.

Occasionally there have been a few additional residents for a short time, chiefly seamen; but the persons enumerated in the table appear to have the intention of permanently residing at the Falkland Islands.

Permission to erect houses was granted from time to time by the successive naval officers in charge, but it appears that upon no occasion has any grant of land, or "title" to such houses been made, directly or indirectly; and all the residents fully understand that they merely hold a temporary tenure. It is my intention immediately to put the settlers in full possession of the land upon which their houses stand, by the sale of allotments.

See Plan.

The accompanying Plan which I have also the honour to forward, serves to indicate the relative positions of the few buildings at present in Port Louis.

My further acquaintance with the industry and steadiness of the few Scotch settlers (Highlanders from Argyleshire, last from Glasgow), at present in the colony, induce me again to take the liberty of drawing your Lordship's attention to the advantage of emigrants for these islands being selected from similar districts. The pastoral inhabitants of the hills and dales of the southern Scotch counties on the borders, would also be well adapted as settlers in the Falklands. They have the general character of being intelligent, steady, well-disposed men, and excellent shepherds; and the hardships they might have to undergo at the commencement of their residence would be trifling in comparison to what they constantly experience among their native hills during the greater part of the year.

I avail myself also of this opportunity to inform your Lordship that I have received private notifications of the desire entertained by some English residents in the provinces of La Plata, to send sheep in large numbers so soon as they can be assured of the intentions of Government concerning the colonization of these islands. I therefore venture to suggest for your Lordship's consideration, whether it may not be advisable that an official notification of the intentions of Government should be forwarded from the Colonial Land and Emigration Board through the proper channels to the British authorities at Buenos Ayres and Monte Video.

An immense number of sheep could be imported from thence at a small expense, which, although of an indifferent breed would form a valuable stock upon which to improve. The only necessary thing to be observed is, that sheep from those countries should arrive at the Falklands from the middle of November to the beginning of February.

If this precaution be attended to, they would not only thrive well, but improve considerably; this fact being proved by the appearance of the sheep presented to the government in these islands by Mr. Peter Sheridan, of Buenos Ayres.

I have, &c.

(signed) *R. C. Moody*, Lieut.-Governor.

PLAN

of the Settlement at

PORT LOUIS, EAST FALKLAND.

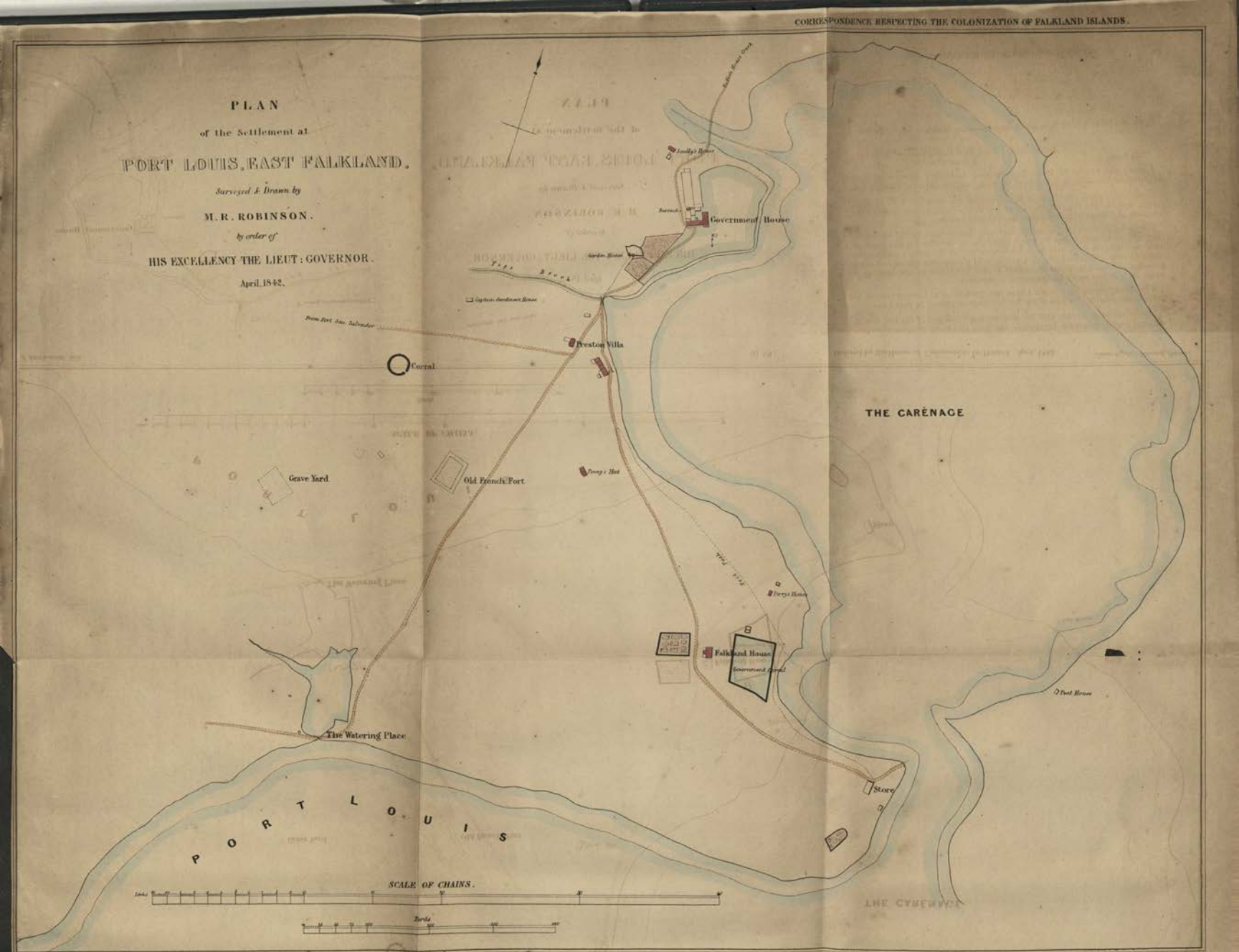
Surveyed & Drawn by

M. R. ROBINSON.

by order of

HIS EXCELLENCY THE LIEUT: GOVERNOR.

April 1842.



J. Arrowsmith, lith.

(0.39.)

Ordered by the House of Commons to be Printed, April, 1843.

James & Luke J. Harvard, Printers

No. 1.—STATISTICAL TABLE, showing the NAMES, OCCUPATIONS, &c. of the Inhabitants of the *Falkland Islands* in January 1842.

NAMES.	Age.	Native of	Occupation.	Date of Arrival.	Religion.	Quantity and Description of Stock.	Description of Residence.	Garden Ground attached.	Remarks.
John Bull Whitington	30	England - -	- - merchant and ship-owner.	17 Nov. 1840	Protestant -	- - 14 dogs, 2 horses, 9 pigs, 12 sheep, 7 geese, 1 duck, 18 fowls, 1 turkey, 3 heifers, and 1 calf.	- - Falkland House, built of wood; it is commodious, in good repair; consists of 1 large store, 9 rooms, and various convenient domestic offices.	- - ½ of an acre immediately in rear of the house, is in a good state of cultivation, and produces many vegetables.	
John Markham Dean -	26	England - -	- - clerk and foreman to Mr. Whitington.	- — -	Protestant -	- - -	Falkland House -	- - - -	
Charlotte Dean (wife) -	25	England - -	- - - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
George Dean (*son*) -	5	England - -	- - - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Frances Dean (daught^{r})	4	England - -	- - - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
James Watson - -	33	England - -	- - farm servant to Mr. Whitington.	- — -	Protestant -	- - -	- - ditto - -	- - - -	Mr. Whitington brought out the whole of these persons from England, together with two brigs. The sheep are chiefly select specimens of Leicesters and Southdowns, for breeding.
Mary Watson (wife) -	30	England - -	- - house servant to Mr. Whitington -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Richard Madgwick -	22	England - -	- - servant to Mr. Whitington.	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Edward Bulliver -	26	Cape Verd Islands	- - in the employment of Mr. Whitington.	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Francisco de Grasse -	26	Cape Verd Islands	- - ditto - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Henry Hooper - -	15	England - -	- - ditto - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Andrew Annenson -	48	England - -	- - conducts Mr. Whitington's establishment for curing fish.	18 Dec. -	Protestant -	- - -	- - Fish-house-creek-house, built of turf; 2 rooms in good repair.	- - 20 perches in a good state of cultivation.	
Malcolm M'Innes -	28	Scotland - -	- - Mr. Whitington's fishing establishment.	- — -	Protestant -	- - -	- - Fish-house-creek-house.	- - - -	
Edmund M'Innes -	26	Scotland - -	- - ditto - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Archibald M'Arthur -	30	Scotland - -	- - ditto - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Alexander M'Donald -	25	Scotland - -	- - ditto - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Edmund Kemp - -	21	England - -	- - ditto - -	- — -	Protestant -	- - -	- - ditto - -	- - - -	
Charles Melville -	36	England - -	- - principal owner of the schooner Montgomery, employed in sealing.	- left at the islands with Lieut. Smith, 1832.	Protestant -	- - 2 dogs, 1 cow, 1 calf, 1 horse, 12 fowls.	- - Preston Villa, built of stone and clay; consists of 4 rooms, and is in good repair.	- - - -	- - rents the Seal Rocks from government.
Joseplr Lee - -	45	England - -	- - part owner of the Montgomery.	- ditto -	Protestant -	- - -	schooner Montgomery.		
Richard Penny - -	40	England - -	- - ditto - -	- ditto -	Protestant -	- - -	- - a small hut, built of turf.		
Carmelita (wife) -	40	South America -	- - - -	1824 - -	R. Catholic -	- - -	- - ditto.		
Richard Penny (son) -	3	Falkland Islands	- - - -	- - -	- - -	- - -	- - ditto.		

(continued)

No. 1.—Statistical Table, showing the Names, Occupations, &c. of the Inhabitants of *Falkland Islands* in January 1842—*continued*.

NAMES.	Age.	Native of	Occupation.	Date of Arrival.	Religion.	Quantity and Description of Stock.	Description of Residence.	Garden Ground attached.	Remarks.
José Simon } Sons by Manuel Co- } former ronel - } husbands.	11	Falkland Islands	- - - -	- - -	- - -	- - -	- - a small hut built of turf.		
	8	Falkland Islands	- - - -	- - -	- - -	- - -	- - ditto.		
John Campbell - -	40	Ireland - -	- - seaman on board the Montgomery.	1837 - -	Protestant.				
Francis Perry - -	30	Bermuda - -	- - part owner of the Montgomery.	4 May 1841	Protestant -	- - 2 dogs and 12 fowls.	- - a small hut built of stone.		
Gregoria (wife) - -	28	South America -	- - - -	1830 - -	R. Catholic -	- - -	- - ditto.		
Richard M'Nab -	42	Ireland - -	- - seaman on board the Montgomery.	4 May 1841	Protestant -	- - -	schooner Montgomery.		
John Carpenter - -	33	England - -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
William Batey - -	28	England - -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
William Johnstone -	25	England - -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
Henry Berry - -	27	Ireland - -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
John Johnson - -	23	Copenhagen -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
Fergen Detlef - -	20	Hamburgh -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
Andrez Petaluga -	20	Gibraltar - -	capitaz of the guachos	31 Mar. —	R. Catholic -	- - 1 cow, 1 calf, 4 dogs.	- - a stone house; 2 rooms.		
Henry Mitchell - -	30	England - -	guacho - - -	14 Apr. —	Protestant -	1 dog - -	- - ditto.		
John Scully - -	35	Ireland - -	- - cabalareitzo to the guachos.	6 Apr. 1837	R. Catholic -	1 dog - -	- - a well-built stone cottage; 2 rooms.		
Louis Despraix - -	24	France - -	- - assistant to the cabalareitzo.	— — —	R. Catholic -	1 dog - -	with the guachos.		
Thomas Parker - -	24	England - -	- - carter in the service of government.	14 Nov. 1841	Protestant -	- - -	- - ditto.		
Antonina Roxa - -	35	Buenos Ayres -	- - washerwoman and milkwoman, and occasionally as a guacho.	about 1830	R. Catholic -	- - 6 dogs, 17 cows, 6 calves, 7 oxen, 6 fowls.	- - a well-built stone cottage of 2 rooms.		
Thomas Aggot - -	21	England - -	- - herdsman of government cattle.	1839 - -	Protestant -	- - -	Government House.		
George Pike - -	21	England - -	- - gardener of government garden.	— - -	Protestant -	- - -	- - ditto.		
George Arrington -	22	England - -	- - labourer in service of government.	15 Jan. 1842	Protestant -	- - -	in Perry's hut.		
George Taylor - -	21	England - -	- - ditto - -	— — —	Protestant -	- - -	- - ditto.		
Allen Fred^k Gardiner	50	England - -	lay missionary -	24 Dec. 1841	Protestant -	3 goats - -	- - portable wooden cottage.	- -	- - Captain Gardiner intends residing among the Patagonians, and only waits at these islands for a passage.
Mrs. Gardiner (wife) -	23	England - -	- - - -	— — —	Protestant -	- - -	- - ditto.		
Emily S. Gardiner -	11	England - -	- - - -	— — —	Protestant -	- - -	- - ditto.		
Allen Weare Gardiner	10	England - -	- - - -	— — —	Protestant -	- - -	- - ditto.		
Marianne Costello -	20	Ireland - -	servant to C. Melville	4 May —	R. Catholic -	- - -	Preston Villa.		

(signed) *R. C. Moody*, Lieutenant-Governor.

No. 2.—TABLE showing the Number and Description of BUILDINGS in the *Falkland Islands*, January 1842.

DESCRIPTION OF BUILDINGS.	BY WHOM BUILT.	NAMES OF PERSONS LIVING IN EACH HOUSE.	GARDEN GROUND ATTACHED.	REMARKS.
Government House, in very bad repair; consists of five rooms and two garrets in the roof, and having attached to it some useful out-houses, for peat, &c. The walls are thick, but cracked, and built of stone and clay.	- - formerly the Roman-catholic chapel, supposed to have been built by Bougainville, in 1764.	- - the Lieut.-governor, Mr. Robinson, Serjeant Hearnden, Corporal Richardson, Private Herkes, with wife and two children, R. S. & M.; Thos. Hearnden, Thos. Aggot, George Pike, Robt. Ross, and William Livett.	- - three quarters of an acre of garden ground, producing many vegetables, and about an acre of paddock for horses.	- - a temporary wooden building is in progress of construction, the accommodation at present being very limited.
Barracks, built of stone and clay; consists of one room, very small, and in bad repair.	when built unknown - -	- - Corporal M'Crae, Privates Sibbald, Turner, Campbell, Watts, Robinson, and Readdies, R. S. & M.	- - - ditto.	
Storehouse, built of stone and clay; dimensions 55 ft. by 19 ft.; roof very bad; on the beach at the entrance of the lagoon; also a small smithy in good repair.	when built unknown - -	- - filled with stores, chiefly belonging to Government.	- - - ditto.	
Falkland House, built of wood brought from England; consists of one large store and nine rooms, with various useful domestic offices.	- - built by J. B. Whitington, in November 1840.	- - J. B. Whitington, J. M. Dean, wife and two children, James Watson and wife, Richard Madgwick, Edward Bulliver, Francisco de Grasse, and Henry Hooper.	- - quarter of an acre of garden ground, producing many vegetables.	
Preston Villa, built of stone and clay; consists of four rooms, and is in good repair.	Charles Melville, 1839 - -	- - Charles Melville, Marianne Costello, Private Yates, R. S. & M., wife, and three children.	- - - ditto.	
Garden House, near Government House, built of stone and clay; consists of two rooms, in bad repair.	when built unknown - -	- - Private James Biggs, R. S. & M., wife, and four children.	- - - ditto.	
Scully's House, situated near Government House; a well-built stone cottage, of two rooms.	built by Scully in 1841 - -	John Scully - - - - - - -	- - - ditto.	
A long stone and clay building, near the beach, consisting of four houses, two finished and two unfinished; one consists of two rooms, and the other of one room.	- one by Antonina Roxa, 1840, and the others by Government.	- - Antonina Roxa in her own house; and in the finished Government building, Andrey Petuluga, Henry Mitchell, and Thomas Parker.	- - - ditto - - -	marked (a) in the Plan.
Penny's Hut, a turf hut, in a bad state of repair; consists of one room.	Richard Penny - - -	- - Richard Penny, Carmelita Penny, and three children.	- - - ditto - - -	built out of former ruins.
Perry's House, a small stone hut, of one room, in bad repair.	Francis Perry - - -	- - Francis Perry, Gregoria Perry, George Arrington, and George Taylor.	- - - ditto - - -	built out of former ruins.
Fish-house-creek House, built of turf; consists of two large rooms, and is in good repair.	- - built by J. B. Whitington, in 1840.	- - A. Anensen, Malcolm M'Innes, Edmund M'Innes, A. M'Arthur, A. M'Donald, Edmund Kemp.	- - 20 perches, in a good state of cultivation.	- - it is about three quarters of a mile from the settlement.

(signed) *R. C. Moody*, Lieut.-governor.

No. 3.—TABLE showing the Total Number of Persons, Houses, Garden-Ground, and Live Stock in January 1842.—*Falkland Islands.*

	Number of Men.	Number of Women.	Number of Male Children.	Number of Female Children.	Inhabited Houses.	Houses otherwise occupied.	Houses in progress of Construction.	Quantity of Ground in Gardens.	Tame Horses.	Wild Horses (rough Estimate).	Tame Cows.	Tame Bulls.	Tame Calves.	Oxen and Heifers for killing.	Wild Cattle (rough Estimate).	Sheep.	Goats.	Fowls.	Geese.	Turkeys.	Ducks.	Pigeons.	Pigs.	Wild Pigs (rough Estimate).	Dogs.
								acre.																	
TOTAL -	52*	10*	7*	9*	10	1	2	1¼	43†	3,000	40	6	40	150‡	30,000	31	3	80	7	3	8	8	20	500	45

* Including the Lieut.-governor and party.
† The greater portion of which are worn out.
‡ Many have since escaped for want of guachos and horses.

(signed) *R. C. Moody*, Lieut.-governor.

No. 12.
Lord Stanley to Lieut.-Governor Moody,
23 October 1841.

— No. 12. —

(No. 2.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 23 October 1841.

13 October 1841.

I TRANSMIT herewith for your consideration, a copy of a letter which has been addressed to one of my Under Secretaries of State by Mr. G. M. Mowbray, with the view of explaining the means by which, in his opinion, the Falkland Islands might be rendered a self-supporting naval station; and I have to request that you will report to me any observations which you may think it right to offer on the statements contained in that letter.

I have, &c.
(signed) *Stanley*.

Enclosure in No. 12.

Encl. in No. 12.

PROPOSALS relative to the *Falkland Islands*, with a View to rendering them a Self-supporting Naval Station.

1. IN considering how to establish best a new colony, the first question that presents itself is, What is the nature of the climate, soil, and productions? It is not my purpose to adduce evidence as to how often these inquiries are fallaciously responded to, but to quote those authors on whose reports I answer the above question, so far as regards the Falkland Isles; these are De Bougainville, Weddell, and latterly, Captains King and Fitzroy. From the assertions of these navigators, all of them ranking very high in the estimation of their respective nations, it would appear that the climate is healthy yet tempestuous, the soil unproductive, and the natural productions are centred principally in their fisheries.

2. Whether it be expedient to render Berkeley Sound a free port, or otherwise, appears to me to involve considerations, in the disposal of which I am quite sure Her Majesty's advisers are better informed than their very humble servant; I shall therefore at once proceed with all humility to offer such suggestions as I conceive, under proper management, would encourage a hardy and seamanlike colony to settle in those islands, with every prospect of obtaining a comfortable subsistence.

3. Taking into consideration that the visits of ships, either on their homeward passage for water, or if damaged, to refit, would for several years be comparatively few, principally owing to the force of habit in their commanders, we must search out some innate mode of subsistence, or the production of some element of exchange. Since the soil, under present accounts, does not present a fruitful source, we must turn to the cattle or the fisheries. As an element of exchange, in the article of cattle we are driven from the market by the superabundance in South America; their existence offers, however, great assistance to a young colony. *En passant*, I may here remark, that, from the marshy state of the soil, in all probability sheep would be destroyed by the disease termed rot, so that we cannot build on that foundation.

4. We

4. We then come to the fisheries, which in South America are unproductive, principally because the climate will not permit of their being cured by salting, and that they are also entirely deficient in the proper description of salt, although I believe it is notorious to those who have resided at Monte Video, Rio, or Buenos Ayres, that cured fish are esteemed a perfect luxury. I would suggest, therefore, that our attention should be directed to the fisheries at the Falklands; we are instructed by Captain Fitzroy that they are unlimited, and it is well known that the class of men who pursue this occupation regard sunshine as of very little moment.

5. Instructing the colonists then to procure an element of exchange with their nets, salting and drying the produce, for which the climate is admirably adapted, I would then forward it to Rio, Monte Video, &c. &c. selecting of course the most profitable market.

6. During the development of the above views, the real powers and value of the soil should be diligently and scrupulously tested in every possible way; sheltered situations should be selected and well considered before breaking ground, and every attempt perseveringly carried out to ascertain what productions may be successfully cultivated.

7. Although not specially noted by Captain Fitzroy, I am of opinion the valuable manure, guano, will be found in beds on these islands, and I am strengthened in this opinion from the circumstance mentioned by Fitzroy of the quantity of sea-fowl observed by him; and from Weddell's having successfully resorted thither in four voyages, and filled casks with their eggs, which he states were collected in a few hours. The peat, which by a very simple and economical plan may be drained, should be compressed for the use of ships putting in, whilst in its natural state, for the use of the colonists, particularly from the presumed absence of coal and dearth of wood, it would be invaluable.

8. Meat, flour, and peat being plentiful, there is no doubt but that the number of whalers who will then resort there would be very much increased, and very much to the increased value of these islands, since proper restrictions would be enforced to prevent the present wanton destruction of the cattle. The number of whalers that could entirely destroy the seal-fishery of upwards of 200 islands, must have been no less destructive to the herds of cattle on those islands when opportunity offered.

9. In due time encouragement might be given to the little traders and boat-owners on the western coast of South America, by receiving their guano in exchange for our manufactures, the passage through the Straits of Magellan occupying but a fortnight during the season.

10. The incipient fishery which I would propose to be established, should consist of the following persons:

Twelve stout able fishermen selected either from Hastings or Brighton, on account of their bold coasts	12
A carpenter, shipwright, boat-builder, cooper, bricklayer, and three or four well-disposed Irish labourers	9
An intelligent agriculturist	1
A superintendent	1
	23

The terms of their engagement should be as follows:

The fishermen should either be rated as able seamen for three years' service, a free passage there, and at the expiration of the term, back if wished, or be allowed, as they now do, to share, the boat and nets one-half, and the crew the remainder, deducting a remunerating price for their huts and the provisions they may require.

The money which the boat and nets produced, should revert to the liquidation of the interest of the outlay first, to the pay of the mechanics, &c. next, and finally to repay the outlay first incurred, which latter, if completed at the termination of the three years' service, the boats and nets, or if only partly repaid, then, on making good the remainder, or engaging in a reasonable term to do so, then the said boats and nets shall become the mutual property of the said fishermen, during their residence in the said islands.

The mechanics, artisans, and labourers to be engaged for three years, and to receive remunerating payment, less provisions from Government.

The estimate that I have formed of the cost of the material to equip this little band, is as follows:

	£.	s.	d.
Three stout Deal-built, or Brighton boats, at 100 *l.* each	300	–	–
Furnished with nets, each 300 *l.*	900	–	–
Three lesser punts, complete	45	–	–
Two capstans, each 7 *l.* 10 *s.*	15	–	–
Timber for spits for drying, backs for salting, materials for huts and drying deeze, framed and ready for erection	250	–	–
Gardening and agricultural seeds, and implements	50	–	–
A few peat-stoves, cooking coppers, slops, grindery, carpentering tools, and implements for building	200	–	–
Provision stores	100	–	–
Contingencies	200	–	–
£.	2,060	–	–

FALKLAND ISLANDS.

I have now only a few observations to add, stating the reasons that induced me rather to make this application to Her Majesty's Government, than submit it to private enterprise. The only object of private speculation is immediate gain; the joint-stock problem is to obtain the greatest possible produce for the least possible outlay, in the smallest space of time, always incurring as little odium as possible, but, get money.

Now these principles, brought to operate on the Falklands, already weak in its soil, would utterly destroy the present germ of a naval station. Without any curb as to destroying the spawn, without any limit as to season in obtaining the different descriptions of fish, a company would doubtless return a very handsome per-centage, for a few years, to the shareholders at home, at the expiration of which term the scheme might be abandoned, and the Falklands again deserted. The same mischief has already accrued to the seal-fishery, from the indiscriminate destruction of the cubs by whalers; and it would be extremely imprudent to risk that which still remains as a chief source of maintenance to these islands. The proposed plan in a few months would indicate results, and from the observations made, and experience acquired, by these pioneers, such provisional laws might be made as would preserve the fisheries to their legitimate use, and avert wanton destruction. Let but the impetus be given, let a nucleus be formed on a firm basis, so that there may be no errors to retrace, and when it shall have become known, in the impoverished Orkneys, that their occupation may be profitably pursued at the Falklands, (and as I before mentioned, we have Captain Fitzroy's assertion to commence upon) and you may then establish at this port, important now in a geographical point of view, the materials for filling the service on the South Sea station with an effective marine.

I have, &c.
(signed) *Geo. M. Mowbray*,
22, Regency-square, Brighton,
13 October 1841.

To James Stephen, Esq.
&c. &c. &c.

— No. 13. —

No. 13.
Lieut.-Governor Moody to Lord Stanley.
16 July 1842.

(No. 27.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
16 July 1842.

My Lord,

IN obedience to your Lordship's orders, I have the honour to submit the following observations, which I have deemed right to offer upon the letter addressed to Mr. Under Secretary Stephen by Mr. Mowbray, in which he makes "certain proposals with a view to rendering the Falkland Islands a self-supporting naval station."

It appears to me, the object of Mr. Mowbray's letter is to point out that the above desirable object may be obtained by commencing with what I may term a Government fishing establishment; but in so doing, and in endeavouring to establish its great importance, he unnecessarily and incorrectly, in my humble opinion, depreciates all other pursuits in these islands, more especially those connected with farming.

Taking the works of Bougainville, Weddell, and Captains King and Fitzroy as the sources of his information, he draws the conclusion that "the soil is unproductive, and that the natural productions are centred principally in their fisheries."

He also discourages the idea of sheep farming, but gives the climate of the islands due praise as to its healthiness.

I am aware that Mr. Mowbray states these opinions with deference, and refers to the above authors as his authorities; but I cannot say that I have so read the same works, particularly Captain Fitzroy's excellent, full, and generally correct account; and now my local knowledge leads me to entertain a still better opinion of the farming resources of the country, more particularly grazing and sheep farming.

With the exception of this material and to the colony injurious error, I consider that Mr. Mowbray has drawn up a good plan for an establishment which would advance the colonization of the islands, and give employment to a necessitous and deserving class of men, should the Government be inclined to enter into the expense; but I cannot say that I am sanguine as to any great remuneration being derived therefrom by the Government; and it is with great deference that I beg leave to suggest whether it is not wiser and more likely to lead to the general interests of the community, that Government should, after the

the fullest consideration of any project, encourage and foster private enterprise* rather than take upon itself the prosecution of any operations of a speculative character. It is upon this principle that in a former despatch, dated 14th April 1842, I recommended Government to sell the wild cattle for a moderate price to any respectable company that might offer to purchase.

It is certainly true, from the prejudices these islands labour under being so deeply rooted and so widely received, years may yet pass away in this state of worse than stagnation unless some impetus be given by Government; I am therefore inclined to recommend that in the first place every encouragement should be given to private enterprise in this fishing speculation, the evils complained of as "resulting from joint-stock concerns" being kept in check by wholesome regulations; but if a general apathy to such an undertaking be decidedly evinced, I should then feel inclined respectfully to recommend Mr. Mowbray's plan, with some amendments, to your Lordship's favourable consideration.

It now only remains for me to state my opinions upon a few of the details in which I differ with Mr. Mowbray, and in which I am inclined to think he would, upon a further consideration, coincide with me.

I would recommend that the fishing and agricultural pursuits be kept quite separate, and that the latter should be incorporated with the Government farming establishment at present existing. That the artificers and labourers recommended by Mr. Mowbray to be sent out be placed under the orders of the acting clerk of works† I have appointed to execute the Government works under my immediate directions, to be employed chiefly for the service of the fishery, but also for general service when required.

That rations be issued by the storekeeper from the present Government store, in the same manner as to the rest of the Government establishment, until provisions can be purchased in the islands, of which there seems to be no prospect at present.

The fishermen to be selected from the Orkneys in preference to Hastings or Brighton, because the Orkney men are accustomed to the roughest weather to be found on the coasts of Great Britain, and are, in addition to being good seamen and fishermen, accustomed to tillage in a rough way. They are also proverbially well disposed, and I should imagine must be patient under hardships, from their daily experience of it.

I do not see why the labourers should be Irishmen; I presume it is on account of the fuel being peat, but the chief fuel in the Orkneys is peat, I believe, also; therefore labourers well practised at peat cutting could be obtained from thence with the fishermen. The person to superintend the drying and salting department should have been employed, if possible, in Newfoundland.

With regard to the pay of the fishermen and superintendant, I think that the simplest way would be for them to receive a very small monthly pay and provisions, under an engagement for three years, and to receive one-third of the profits by the sale of the fish; also, that at the end of three years the boats, nets, &c. should be sold to them by Government at a fair valuation, if they chose to take them; if not, they should be sold by auction, presuming that by that time there might be more settlers in the colony.

As the drying-houses and huts would be on Government land, they could only be sold with the land by auction, or according to the principle which may then be in operation for the sale of land in the colony.

The agriculturist included in Mr. Mowbray's list, I have already recommended in Despatch No. 14, 14th April 1842, under the name of Government steward; the services of such a person is very much needed, in case a company do not relieve the Government from the necessity of carrying on a Government farm; and it would be greatly to the advantage of the colony if he were accompanied by an intelligent Scotch gardener.

Mr.

* Private enterprise, well managed, might meet with great success in this business.

† Sergeant Robert Hearnden, Royal Sappers and Miners.

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Mr. Mowbray's Estimate of the Expenses is as follows:

	£.	s.	d.
Three stout-built Deal or Brighton boats, at 100 *l.* each -	300	–	–
Furnished with nets for each - - - - - -	900	–	–
Three lesser punts, complete - - - - - -	45	–	–
Two capstans, each 7 *l.* 10 *s.* - - - - - -	15	–	–
Timber for spits for drying, backs for salting, materials for huts and drying deeze, framed ready for erection - -	250	–	–
Gardening and agricultural seeds and implements - -	50	–	–
A few peat stoves, cooking coppers, slops, grindery, carpentering tools and implements for building - - -	200	–	–
Provision stores - - - - - - - - -	100	–	–
Contingencies - - - - - - - - -	200	–	–
£.	2,060	–	–

Upon this estimate I have to remark, I think that the sum of 250 *l.* would not be found sufficient to cover the expense of all the requisite buildings, &c.; it would probably amount to 400 *l.*

The gardening and agricultural tools and seeds, if to be on anything like a serviceable scale for the colony, should be estimated at 200 *l.*; and at least 450 *l.* should be allowed for provisions. These alterations would increase the expenses of the establishment to 2,710 *l.*; but there is nothing allowed for the passage and freight of men and goods to the Falkland Islands; nor do I see anything allowed for the pay to support the 23 persons forming the party, and I consider that whatever profits may hereafter arise from the establishment, one year's pay at least should be added to the above estimate.

I am not much acquainted with fishing pursuits, but I think that at the Falkland Islands, a cutter of about 40 tons would be found an essential appendage to the establishment, and I think that the Goverment should be prepared for an expenditure of about 5,000 *l.* at least, before any returns were received.

I have, &c.
(signed) *R. C. Moody*,
Lieut.-Governor.

— No. 14. —

No. 14.
Lord Stanley to Lieut.-Governor Moody.
25 February 1843.

(No. 18.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 25 February 1843.

I HAVE to acknowledge the receipt of your despatch of the 16th July last, No. 27, reporting on the proposition submitted to this office by Mr. Mowbray, with the view of rendering the Falkland Islands a self-supporting naval station.

I am much obliged to you for the attention you have devoted to this proposition, and for the suggestions which you make. Whenever the government of the islands shall have been placed on a more permanent footing, it will be matter for consideration whether encouragement should not be given to private speculators to undertake a project similar to that proposed by Mr. Mowbray, with the alterations suggested by you. But Her Majesty's Government are of opinion, that it would not be advisable for them to enter upon any such project on the public account.

I have, &c.
(signed) *Stanley*.

— No. 15. —

(No. 28.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
My Lord, 19 July 1842.

IT is with the greatest deference I take the liberty of proposing for your Lordship's consideration, the importance of making the undermentioned additions to the organization of the government of this colony, at as early a period as your Lordship may deem advisable.

In the "instructions" which I had the honour to receive from Lord John Russell, the causes which prevented his Lordship at that time from laying down any detailed instructions for my guidance as to the nature and extent of the powers I could exercise are fully pointed out, and his Lordship deemed it sufficient to direct me to govern by the force of moral influence and example, rather than by any direct exercise of legal power. Such has hitherto been the nature of my government, and fortunately no circumstance has yet occurred to oblige me to assume a responsibility of any weight; but it is my duty to inform your Lordship, that of the persons composing the small but constantly increasing society over which I am placed in control, many are men of reckless character, irregular passions unchecked by any moral impulses, far less discipline; and it is more than probable that the moral influence I exercise derives its force from the presence of the small guard selected from the corps to which I have the honour to belong, rather than from any example of industry and steadiness manifested by every individual of the party which accompanied me from England. We have also as yet experienced no trial of hardships sufficient for the turbulent to manifest themselves; but although thus kept in check, the elements of evil exist in a great degree, and from the class of persons gradually congregating here the influx appears to be all on the same side; I am, therefore, not without feelings of anxiety to be armed with the fullest legal power at once to put down evil in any shape; and to be aided by the demonstration of physical strength which would be afforded by the presence of at least one small-class vessel of war, to be chiefly employed in cruising to protect Her Majesty's property in cattle, &c. from wanton destruction by foreigners, as well as to prevent their systematically establishing themselves in any port for the purpose of fishing, sealing, and whaling, in the bays and creeks among the islands.

I hope that your Lordship, upon considering the position of affairs in the colony, may be of opinion that the time has now arrived when it becomes advisable to lay down more definite instructions for my guidance, and to establish a court of judicature, the power of which may extend to the trial and administering of justice for the gravest crimes that can be committed against the law, and also be an Admiralty court.

In my instructions I am directed to ascertain whether there are any persons fit to be entrusted with the functions of judges and magistrates; and I have to report, that there are no persons at present in the colony who I deem fit to be entrusted with so important a charge as the administration of the law. It would be only presumption in me to point out what should be the formation of the court; but if only limited to a magistrate (who I venture to suggest should be a member of the legal profession) and myself, I respectfully but earnestly request that it may be armed with the highest powers, so as to be able to act, if necessary, with promptness and vigour upon the spot.

With reference to the small class vessel of war to be attached to the colony, I shall take the liberty of making it the subject of a separate despatch.

I am also desirous of submitting for your Lordship's consideration, whether it is not advisable that, in addition to the "fear of the law," religion should also have an opening to exercise its influence in maintaining good order. At present there is neither clergyman nor church, and although service is duly performed at Government House, yet your Lordship will at once perceive how great a moral influence could be exercised by a chaplain in his daily avoca-

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tions, and by a regular assembling to divine service in a church. Finally I have to state, that we are without any medical officer, so that, except during the casual visits of vessels of war, we are without any assistance should accidents or severe illness occur. Your Lordship is probably aware, that on board even the smallest vessel of war there is a medical officer, and it might be supposed that the one on board the vessel to be constantly attached to the colony, agreeably to the unfulfilled promise of the Lords Commissioners of the Admiralty, would always be available for the colony; but such would not be the case, as the chief service of such a vessel would be to be frequently cruising, and the colonial surgeon should reside constantly at the chief town. Had it not been for the arrival of the Antaretic expedition under Captain Ross, R. N., we should most probably have experienced the loss of the wife of a most respectable settler, saved under Providence by the unremitting care of the medical officers of the expedition. It is also probable that one of my detachment would have lost his hand in consequence of an accident.

I am aware that the number of persons in the colony are still very few, but the importance of the subjects upon which I have now had the honour to address your Lordship, leads me to hope that I may not be deemed premature in thus submitting them for your Lordship's earliest consideration.

I have, &c.
(signed) *R. C. Moody*, Lieut.-Governor.

— No. 16. —

No. 16.
Lord Stanley to Lieut.-Governor Moody.
26 February 1843.

(No. 19.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 26 February 1843.

I HAVE the honour to acknowledge the receipt of your despatch of the 19th July last (No. 28), pointing out the necessity of sending to the Falkland Islands some person invested with judicial authority, a chaplain to administer the offices of religion, and a surgeon to attend to the health of the inhabitants; and also of stationing there a small-class vessel of war to be employed in cruising to protect the public property from depredators.

I am happy to inform you, that all your demands have been anticipated by Her Majesty's Government. With my despatch of the 25th ultimo, you will receive a copy of the estimate which it is intended to propose to Parliament during the present session, and which includes the salaries of a magistrate, a chaplain, and a surgeon. I shall lose no time in selecting the fittest persons whom I can find to undertake these respective offices.

With respect to your application for a vessel of war, I have the honour to inform you, that I have received a communication from the Lords Commissioners of the Admiralty, announcing their intention to station a small gun-brig at the Falkland Islands.

I have, &c.
(signed) *Stanley*.

— No. 17. —

No. 17.
Lieut.-Governor Moody to Lord Stanley.
1 Sept. 1842.

(No. 30.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Port Louis, Falkland Islands, Government House,
My Lord, 1 September 1842.

I HAVE the honour of informing your Lordship that I proceeded to Port William on the 7th May 1842, and devoted several days to the fullest examination of the port, and the country for a few miles around, returning on foot across the country to Port Louis.

In obedience to the orders I had the honour to receive from Lord John Russell, conveyed in despatch No. 3, 25th August 1841, I requested Captain Ross, Royal Navy, commanding the Antarctic Expedition, to confer with me on the relative merits of Port William and Port Louis, with reference to the occupation

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occupation of one or other as the chief port in this colony; and I deem myself fortunate in having received the aid of so experienced an officer in the consideration of this important subject.

I beg leave to enclose a copy of Captain Ross's letter addressed to me, by which your Lordship will perceive that the advantages of Port William, as a chief port, in a maritime point of view, are greatly superior to those of Port Louis. 24 Aug. 1842.

With regard to the surrounding land, the balance is altogether in favour of Port Louis; and this my second inspection of the neighbourhood and immediate shores of Port William, at a period when the worst part of the winter was fairly setting in, obliges me to state that, during my first visit in January last (it being then the height of summer), I was inclined to entertain a more favourable opinion of the readiness with which the difficulties presented by the badness of the soil could be overcome, than I do at present.

The soil around Port William, except in a few spots of limited extent, is of a light peaty nature, occasionally mixed with fine sand, and is upon so tenacious a subsoil, above the quartz rock, that in the winter season by far the greater portion of the same ground which I galloped over in summer, was very wet and swampy, though still covered with nutritious grasses, and grazed over by troops of wild horses. A large portion of the land in the great vale at the back of Port William, between it and Port Louis, consists of deep beds of peat.

Although the general character of the land, in its present state, is so very unsatisfactory, I do not by any means consider that the proportion of perfectly reclaimable land is so small as to present insurmountable obstacles to the erection of a large town, and the formation of gardens and small farms in the suburbs; but to remove these obstacles, and to pave the way for the individual labour of settlers, a previous expenditure of combined labour on a large scale would be necessary.

Upon considering the whole of the above circumstances, I am of opinion, that, until some such combined labour be first bestowed upon Port William, in partial draining, connecting the good spots of ground together by roads, and particularly one to the south of Mount William and the Wickham Heights, a few miles distant, it would not be advisable to retard the growth of the colony, and damp the ardour of newly-arrived settlers, by occupying a site requiring from them such great extra labour and expenditure of capital at the very commencement of their trials. I have therefore adopted Port Louis, for the present, as the site of the chief town in this colony, and accordingly have laid out several streets and town allotments between the Carénage and outer harbour.

When it is borne in mind that of all the advantages possessed by these islands, those connected with maritime affairs are perhaps the chief, there appears to be no question but that, although Port Louis may be occupied for the present, Port William, from its superiority in every respect as to site, will rise in the course of years to be the chief port in the Falkland Islands; and in a future despatch I shall venture to propose for your Lordship's consideration, whether, by hastening that period, in affording convict labour to remove the difficulties which prevent its immediate occupation, as well as to construct other useful public works, the prosperity of these islands would not be firmly established and rapidly increase, as well as the expense saved of a double outlay in government buildings in both ports.

I have, &c.
(signed) *R. C. Moody,*
Lieutenant-Governor.

Enclosure in No. 17. Encl. in No. 17.

Her Majesty's Ship Erebus, Port Louis, Berkeley Sound,
Sir, Falkland Islands, 24 August 1842.

With reference to your Excellency's letter to me of the 1st of June last, conveying an extract of a despatch which you received from Her Majesty's Secretary of State for the Colonies, relative to the selection of a port in the Falkland Islands for the resort of Her Majesty's ships, and requesting to know my opinion "whether Port Louis or Port William

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is the best adapted to be the chief port of this colony in a naval and commercial point of view combined," I have the honour to acquaint you, that I have recently examined these harbours and the several anchorages in their immediate neighbourhood, and that I consider Port William greatly to be preferred for the specified purposes, and for the following reasons:—

First, Port William is much more easy of access from its situation near the extreme east point of the island (Cape Pembroke), so that ships are almost immediately in harbour after making the land, and as immediately at sea, clear of all dangers, on leaving the harbour; whereas to gain Port Louis, they have usually to beat 12 or 14 miles against the prevailing westerly winds, a serious objection so for as merchant vessels are concerned.

Secondly, Port William has the advantage of Port Louis in possessing two very secure outer anchorages, where ships calling merely for water and refreshments may be readily supplied without passing the Narrows, and in perfect safety and protection from all winds.

Thirdly, Vessels of large size may pass through the Narrows into the inner harbour of Port William (known as Jackson's Harbour), with any wind. Port Louis cannot be entered by vessels of considerable size, except under very favourable circumstances, of not very frequent occurrence.

This advantage in favour of Port William arises from the prevailing winds blowing through the Narrows of Port Louis, rendering it necessary to beat through them; but they blow across the Narrows of Port William, so that ships may usually sail either in or out. The Narrows of Port William also have bolder and better protected shores than those of Port Louis.

Fourthly, There is a sufficient depth of water for a first-rate in the inner harbour of Port William, and ample room for 20 sail of the line; at Port Louis there is not sufficient depth of water for a large class frigate.

Fifthly. Port William has a peculiar advantage over Port Louis as a naval station, from the facility with which a ship or squadron might be dispatched to sea, with the wind blowing from the eastward, which could not possibly be the case from Port Louis under such circumstances.

From these considerations it appears to me sufficiently manifest, should a large naval force be assembled or stationed at the Falkland Islands, the head-quarters of the squadron would most assuredly be fixed at Port William rather than at Port Louis.

With reference to the other point on which you have requested my opinion, namely, as to those places which it would be proper to reserve for naval purposes at each of these ports, I beg to refer you to the accompanying plan, on which the situations that I consider best adapted for those purposes are marked Naval.

I have, &c.

(signed) *Jas. C. Ross,*
Captain.

His Excellency Lieut.-governor Moody,
&c. &c. &c.

No. 18.
Sir John Barrow, Bart. to G. W. Hope, Esq.
14 February 1843.

— No. 18. —

COPY of a LETTER from Sir *John Barrow,* Bart. to *G. W. Hope,* Esq.

Chart of the Falkland Islands, surveyed by Captain Fitzroy and the officers of Her Majesty's ship Beagle, published by the Hydrographic Office of the Admiralty.

Sir, Admiralty, 14 February 1843.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, a chart of the Falkland Islands, together with a copy of a letter dated the 2d September last, from Captain Ross, of Her Majesty's ship Erebus, enclosing copies of a correspondence which has passed between him and the Lieutenant-governor of those islands, as to whether Port Louis or Port William is the best adapted to be the chief port in the colony, in a naval and commercial point of view combined; and I am to request that you will inform Lord Stanley that, as their Lordships' Hydrographer, Captain Fitzroy, and Commander Sulivan, all concur in the opinion expressed by Captain James Ross, my Lords can have no doubt of the superiority of Port William over that of Port Louis.

I am, &c.

(signed) *John Barrow.*

FALKLAND ISLANDS.
Encl. in No. 1.
1 June.
24 August.
For Captain Ross's Report, 24 August, vide Enclosure in Governor Moody's Despatch, 1 September 1842, No. 30. p. 61.

Enclosure in No. 18.

Her Majesty's ship Erebus, Port Louis,
Sir, Berkeley Sound, Falkland Islands, 2 September 1842.

I HAVE the honour to forward to you, for the information of my Lords Commissioners of the Admiralty, a copy of a letter I received from his Excellency Lieutenant R. C. Moody, R. E., Lieutenant-governor of these islands, requesting my opinion, "whether Port Louis or Port William is the best adapted to be the chief port in this colony, in a naval and commercial point of view combined," together with a copy of my reply thereto, which I beg you will be pleased to lay before their Lordships.

I have, &c.
(signed) *James Ross*,
Captain.

Captain Beaufort, R. N.
Hydrographer.

Government House, Port Louis,
Sir, Falkland Islands, 1 June 1842.

I BEG leave to lay before you the following extract from a despatch which I had the honour to receive from Her Majesty's Secretary of State for the Colonies, previous to my leaving England:—

"I have to acquaint you that, having consulted the Lords Commissioners of the Admiralty in regard to the selection it might be proper to make of a port in the Falkland Islands for the resort of Her Majesty's ships, their Lordships have apprised me that Port William is a safer and more convenient harbour than Berkeley Sound; but as long as the settlement remains in the latter, Her Majesty's ships will most probably resort there. If, however, a new settlement is to be made, you will, with the aid of a judicious naval officer, report upon the most eligible places."

I am aware how much your attention must necessarily be absorbed by the important duties in which you are engaged, but should you be enabled to devote a portion of your time to the consideration of the relative advantages of Port Louis and Port William, as the site of the chief port in this colony, and confer with me thereon, it would meet with the desires of the Secretary of State, and materially influence the welfare of the colony.

You will perceive that, in answer to the inquiry as to "which port would be the best adapted for the resort of Her Majesty's ships," the Lords Commissioners state that in their opinion Port William is a safer and more convenient harbour than Berkeley Sound; but there is nothing directly expressed upon the point on which I am anxious to have your opinion, namely, whether Port Louis or Port William is the best adapted to be the chief port in this colony, in a naval and commercial point of view combined.

To aid your consideration of this question, I beg leave to enclose a copy of a report, which has been drawn up at my request, by Lieutenant Robinson, R. N., an officer whose opinions upon the relative advantages and disadvantages of the two ports are entitled to great weight, he having been engaged for the last three years in prosecuting the nautical survey of these islands. In his report, he appears to consider that Port William is a more exposed harbour than Port Louis, and within the "points of security" too confined to be of great commercial or naval importance.

I have further to request that you will be pleased to point out to me those portions of ground in either harbour which it would be proper to reserve for naval purposes.

I have, &c.
(signed) *R. C. Moody*,
Lieutenant-governor.

Captain Ross, R. N.
Commanding the Antarctic Expedition.

Note.—For Captain Ross's Reply to this Letter, *vide* page 61.

No. 19.
J. Stephen, Esq. to Sir J. Barrow, 28 February 1843.

—No. 19.—

EXTRACT of a LETTER from *J. Stephen*, Esq. to Sir *J. Barrow*, Bart.

Sir, Downing-street, 28 February 1843.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 14th instant, enclosing the copy of a report from Captain J. Ross, respecting the relative advantages of Port Louis and Port William, as the site of the future capital of the Falkland Islands; and stating, that having reference to the coincidence of opinion on this subject between Captains Ross, Sulivan, and Fitzroy, the Lords of the Admiralty can have no doubt as to the superiority of Port William over Port Louis.

In answer, I am to transmit, for the information of the Lords of the Admiralty, the copy of a despatch on this subject recently received from Lieutenant Moody.

1 Sept. 1842. Page 60.

FALKLAND ISLANDS.

No. 20.
Lieut.-Governor Moody to Lord Stanley.
1 October 1842.

— No. 20. —

(No. 33.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
My Lord, 1 October 1842.

I HAVE the honour to report that I have laid out a large town at Port Louis, chiefly round the inner port, called the Carénage; and I beg respectfully to submit for your Lordship's approbation that the said town be named "Anson," in honour of the celebrated circumnavigator, the first person, I believe, who brought before the notice of Government the great value of this portion of the British dominions.

I also beg leave to add, that I have sold six allotments, of half an acre each, in the said town, at 50*l.* the allotment, and one country allotment on Port San Salvador, bounded by the irregular shore, consisting of 389 acres, at 12*s.* the acre.

I have for the present credited the colonial treasury with the sum received, but I presume it is your Lordship's intention that I should consider one half of that sum as eventually to be appropriated to the conveyance of emigrants from Great Britain.

I have, &c.

(signed) *R. C. Moody*,
Lieut.-Governor.

No. 21.
Lord Stanley to Lieut.-Governor Moody.
23 February 1843.

— No. 21. —

(No. 17.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 23 February 1843.

I HAVE to acknowledge the receipt of your despatch, No. 33, of 1st October last, proposing that the town to be settled at Port Louis, in the Falkland Islands, should in future be styled "Anson," in honour of the celebrated circumnavigator of that name.

I have no objection to this proposal.

I approve the sale of the several allotments of land which you report yourself to have disposed of in that manner.

I am, &c.

(signed) *Stanley*.

No. 22.
Lord Stanley to Lieut.-Governor Moody.
24 March 1843.

— No. 22. —

(No. 26.)

COPY of DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 24 March 1843.

WITH reference to my despatch of the 23d ultimo, I have the honour to inform you that I have since been in correspondence with the Lords Commissioners of the Admiralty, and the Commissioners of Land and Emigration, on the subject of the respective advantages of Port Louis and Port William as the site of the chief town in the Falkland Islands, according to the information conveyed in your despatch of the 1st September, No. 30, in the reports from Captain Ross to yourself, and to the Lords Commissioners of the Admiralty, and in the reports which their Lordships have been able to procure from other naval officers who have visited the islands.

Upon

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Upon the great superiority of Port William, for all naval purposes, there appears to be no difference of opinion; but you consider that the soil in its neighbourhood is so unfavourable for settlement that it would be very inconvenient to fix the chief town there until an influx of population and capital should make it possible to drain the surrounding country, and to fit it for cultivation. You are yourself, however, persuaded that it will hereafter be necessary to remove the chief town to Port William; and it is only as a temporary measure that you propose its being placed at Port Louis, as affording more immediate facilities for settlers.

I confess that I entertain a very strong objection to an arrangement of a temporary nature in a matter of this kind. Independently of the expense to Government of erecting two sets of government buildings, where one would suffice, the uncertainty which is introduced into all transactions in any way bearing on the locality of the government, and the depreciation in property which is caused by such uncertainty, are to me almost conclusive against it. Nor, where local interests have once been allowed to grow up, is it easy or even possible to disregard them; and thus the public interests are often permanently sacrificed for the sake of a temporary convenience.

Adverting, however, to the decided opinion which you had expressed on the subject, I was unwilling to come to a final decision without the fullest consideration of the matter. I accordingly referred your despatch to the Commissioners of Land and Emigration, of whose Report upon it I now enclose you a copy. After giving my deliberate attention to that Report, and to all the other information on the subject which has reached this office, I am compelled to concur in the opinions expressed by the Commissioners, and by the naval authorities, that the seat of government should be at once fixed at Port William. You will therefore take the necessary steps for removing to that place as early as possible; and you will take care that in any sales of land which may be made, no misunderstanding is allowed to occur on this point. 18 March.

I have, &c.
(signed) *Stanley.*

Enclosure in No. 22.

Encl. in No. 22.

Colonial Land and Emigration Office,
Sir, 9, Park-street, Westminster, 18 March 1843.

In pursuance of the directions contained in your letter of the 28th ultimo, we have considered the despatch from the Lieutenant-governor of the Falkland Islands on the comparative eligibility of Port Louis and Port William as the site of the capital, and transmitting a report from Captain Ross upon the same subject.

In our previous reports upon the settlement about to be formed in these islands, we have expressed our conviction that the site of the capital should be fixed at whichever port should be decided by competent authority to afford the greatest advantage to shipping. The report from Captain Ross will, we should apprehend, be considered as conclusive upon this point. He considers Port William greatly to be preferred to Port Louis. He states, that it is much more easy of access (on which point he is fully confirmed by the tenor of the previous accounts from Captain Fitzroy), and that ships could proceed to sea from it with winds which would confine them at Port Louis. He moreover finds two very secure outer anchorages, where ships calling merely for refreshment may be readily supplied. The outer harbour is deep and capacious, and vessels of large size can pass into it with any wind. These advantages are wanting at Port Louis.

There would therefore, we apprehend, be no difficulty in deciding that the chief town should be at once laid out round Port William, were it not that the Lieutenant-governor, upon revisiting it in the winter season, has found that a great portion of the land is wet and swampy, and would require drainage to fit it for occupation. As this would entail expense, the Lieutenant-governor is inclined to think that it would be desirable that Port Louis should, for the present at least, be adopted as the site for the capital. He at the same time does not, by any means, consider that the proportion of perfectly reclaimable land at the other harbour is so small as to present insurmountable obstacles to the erection of a large town; and moreover most justly observes, that, as of all the advantages possessed by these islands, those connected with maritime affairs are perhaps the chief, there is no question but that Port William, from its superiority in every respect as to site, will become the chief port of the colony.

Fully agreeing in this anticipation, and believing that the seat of government, if now placed at Port Louis, must in a very short time be removed to Port William, we think, for the following reasons, that it is desirable that it should at once be fixed at the latter port:

FALKLAND ISLANDS.

In the first place, as the prosperity of the colony will depend upon the degree to which it may be resorted to by shipping, it is desirable that the inhabitants should be placed in the neighbourhood of the port which offers the greatest natural advantages for such resort, in order that they may be ready to supply passing vessels with the means of refit and refreshment.

Secondly, whatever outlay may be sanctioned upon public buildings and works should be made at the spot where the government is to be permanently established.

Thirdly, as the town lands in the port where the seat of government is fixed invariably fetch a higher price than any others, discontent would probably be caused among the purchasers at the early capital, when the government removed from it and established itself at another part of the colony.

Fourthly, we should doubt whether the discouragement which would be caused to settlers by the swampy nature of the land round Port William, must be so great as would seem to be expected by the Lieutenant-governor; for it does not appear that the place is unhealthy, being in fact quite dry during the summer months; and the expense which parties might have to incur in drainage might not, after all, be greater than that which is occasioned to settlers in other colonies, by the necessity of clearing the land from timber. And even if some should be discouraged by this cause from settling at first at the capital, the effect we should hope would be, that they would at once apply themselves to the cultivation and stocking of their farms.

We therefore would take the liberty of submitting to Lord Stanley our recommendation, that the seat of government at the Falkland Islands should be removed from Port Louis to Port William as soon as the change can be conveniently made; and should there not prove to be any land free from swamp, which would be eligible as the site for such few public buildings as may be immediately wanted, we should recommend that a portion of the money allowed to be expended upon public works, should be employed in effecting the requisite drainage.

We have, &c.
T. Fred. Elliot.
Edward E. Villiers.

James Stephen, Esq.
&c. &c. &c.

— No. 23. —

No. 23.
Lieut.-Governor Moody to Lord Stanley.
1 October 1842.

(No. 32.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
1 October 1842.

My Lord,

I HAVE the honour of laying before your Lordship the following information concerning these islands, which I have gained by the experience of the past winter, and a more extended personal inspection of the country, and I take the liberty of requesting that it may be considered an appendage to my general report, dated 14th April 1842.

In that report I noticed the extraordinary dryness of the atmosphere, produced chiefly by the constant winds of summer. During the past winter months of June, July, and August, the excess of dampness and moisture has been equally remarkable, unaccompanied, however, by rain, and, comparatively with England, there was but little snow. The ice has been sufficiently thick to bear the weight of a man twice, for two or three days together, and the thermometer has occasionally been as low as 25° and once 18°, during the night. The wind has been by no means so strong or frequent as in summer, and calm days, with sunshine, occurred very often, much more frequently than in England.

There have only been three strong gales* since April, except from the 18th to the 24th of September (corresponding with March in England), during which period the equinoctial gales were very violent. Upon the whole, the winter, though considered in this place as very severe, would have been thought a mild one in England. The dryness of the air is now again beginning to be apparent, and a fine summer is anticipated; already the thermometer has risen as high as 69°. My present opinion therefore is, that the winters in the Falklands may be considered very mild, but moist, though not rainy, and with little wind.

The

* One occurred while H. M. ship Carysfort lay in the port, and it was accompanied by a heavy fall of snow.

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The moisture does not arise from rain or fog, but from the nature of the ground; a light soil upon a tenacious subsoil, numerous springs and rivulets, and the absence of the evaporating winds of summer.

The progress of cultivation will therefore quickly ameliorate this defect of climate. I have myself proved upon a small scale how much improvement may be made upon the land with a very little labour, by simply clearing out the course of a rivulet in a valley from the weeds which choke it, and opening out the springs on the sides. For experiment, also, a small patch of the poor thin soil on the strong subsoil, composed of clay and sandy gravel, but very stiff, and bearing a short scrubby heath, has been trenched spade deep, raked over, and small patches of fine old turf, four inches square, set at regular distances of three feet. The grass has rooted, and promises soon to cover the space thus trenched over, although in an exposed situation on the top of high ground: no manure of any kind was applied. I am about to try another piece with turnips, but shall burn the surface pared off, and apply the ashes.

In my report I stated that I thought about one-fourth of the islands consisted of this poor land, of which two acres would be required to feed one sheep (Southdown) in its present state, but by cultivation might be made excellent pasture land: at this time it is the most unprofitable in the country, yielding less herbage than even the bogs.

For the good land no cultivation would be necessary, except firing it in patches, to get rid of the old withered grass, not eaten by the cattle; the good effects of which "firing" I have seen in many places.

The plant described as the tussac by Mr. Hooker, in the enclosure which I had the honour of forwarding with my report, is of the genus Carex, and proves not to be the real tussac of the islands, which it very much resembles, and might easily deceive any person, the more so as it grows in the same situations, and is also eaten by the cattle. My friend, Mr. Hooker, has since given very great attention to this useful and interesting plant, which is a true grass, and in very much greater abundance than the other: he has also done me the favour of minutely describing it in the accompanying enclosure, adding a dried specimen of each, which I beg leave to forward.* As soon as I can collect some ripe seeds, I will also take the liberty of forwarding them, as perhaps your Lordship may deem the grass worthy of a trial in England, both inland, as on Chat Moss, and on the sea-coast. 29 July 1842.

I also take the liberty of enclosing a copy of a letter from Mr. Hooker, describing the other grasses, and some of the useful plants in the country; such a description being far more satisfactory than the general account, or rather sketch, which I drew up myself. 5 Sept. 1842.

Some seeds of the tussac grass, sown in the government garden in good soil, different from that in which it grows naturally, and at a little distance from the sea, have shot up, and are likely to prove that this valuable fodder for cattle may be cultivated in any soil; but it evidently prefers moisture, and would probably require irrigation in a dry soil, at any distance from the sea.

During several long rides into the country, I always, as I have before stated, found the tussac flourishing most vigorously on spots most exposed to the sea,† and in soil unfit for anything else to live in, viz. the rankest peat-bog, black or red. It is singular to observe the beaten footpaths of the wild cattle and horses, as marked as a footpath across the fields in England, extending for miles over wild moorland,‡ and always terminating in some point or peninsula covered with this favourite fodder, and amidst which it is almost certain to meet with solitary old bulls, or perhaps a herd, or a troops of wild horses just trotting off, as they scent from a great distance.

To

* I also take the liberty of forwarding two specimens of the dye obtained from two of the mosses in great abundance on the mountains. Mr. Hooker regretted that his supply of ammonia was too small to enable him to furnish me with a sufficient quantity of dye, for experiments to be made in England to test its lasting properties.

† The wild west coast of Ireland would exactly suit this grass.

‡ The poor soil above described as covering about one-fourth of the surface of the country, and the worst of all as to herbage.

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To cultivate the tussac, I would recommend that the seed be sown in patches just below the surface of the ground, and at distances of about two feet apart, and afterwards weeded out, as it grows very luxuriantly, and to the height of six or seven feet. It should not be grazed, but reaped or cut in bundles. If cut, it quickly shoots up, but is injured by grazing, particularly by pigs, who tear it up to get at the sweet nutty root. I do not know how it would be relished as hay, but cattle will eat the dry thatch off the roof of a house in winter. Their fondness for this food is so great that they will scent it at a great distance, and use every endeavour to get at it. Some bundles, which were stacked in the yard at the back of government-house, were quickly found out, and the cattle from the village made repeated endeavours every night to get at them, giving much trouble to the sentry on duty to drive them away.

With reference also to that part of my report in which I recommend that the northern peninsula, commonly called by the settlers the North Camp, inclusive of the present government-house, should be a portion of the allotments sold to any company that might offer to purchase the wild cattle and horses, further experience, gained by many opportunities of traversing the district, incline me not to be so favourable to their operations commencing in that district, as I find that although it is almost entirely clothed with pasture, and that there are many troops of wild horses, and some few cattle grazing over it, a much larger portion than what I was at first induced to suppose, consists of deep beds of peat, and is very wet and swampy, difficult and fatiguing to ride across, and almost impracticable to chase over.

In my report, I stated the proportion of good and bad land in that district to be as follows:

$\frac{4}{20}$ deep bog.
$\frac{5}{20}$ wet, but good land, and capable of great improvement.
$\frac{3}{20}$ thin soil, with scanty herbage.
$\frac{5}{20}$ medium land.
$\frac{3}{20}$ remarkably good land.

Perhaps the following would be found to be a much nearer approximation to the truth:

$\frac{7}{20}$ deep bog.
$\frac{5}{20}$ wet, but capable of great improvement.
$\frac{3}{20}$ thin soil, with scanty herbage.
$\frac{3}{20}$ medium.
$\frac{2}{20}$ remarkably good land.

This proportion is about what the land is at present, without any operations of husbandry; but all, except the deep peat-bog, would hereafter, with capital and labour, be available for agriculture and grazing, and would in a short time be very good.

With regard also to the government-house, I am now of opinion that it had better be reserved in the hands of government for the present; it is certainly extremely inconvenient and much out of repair, but the temporary addition I have made renders it sufficiently good for the present circumstances of the colony, and it is probable that by the time it might be necessary to construct a better, the site would be chosen at Port William.

The whole block of any company's land should be to the southward of Adventure Sound, or partly there and partly among the good land in the neighbourhood of the river San Carlos.

I take the liberty of enclosing a few memoranda furnished me by Captain Gardiner (lay missionary), drawn up immediately after his return from his late mission among the Indians of the neighbouring continent.

I have, &c.

(signed) *R. C. Moody,*
Lieutenant-Governor.

Enclosure 1, in No. 23.

H. M. S. Erebus, Berkeley Sound, Falkland Islands,
5 September 1842.

My dear Sir,

I SHALL now, according to promise, lay before your Excellency a slight account of some of the more useful plants of this colony, especially of such as appear to be at present, or may prove in time of most use to man.

The remarkable increase and fine condition of the cattle (comparatively speaking), recently introduced on the island, naturally call the attention to the grasses, in a country devoid of trees or of any vegetable production likely to prove more important. Amongst these, which are very numerous, and form one-fifth of the plants hitherto discovered, the Tussac holds the first place; as, however, you have a description of it, and know far more of its invaluable properties than I do, it would be useless to recapitulate here; suffice it to say, that with proper attention to its propagation in any locality near the coast, and preservation from being entirely eaten down where it already abounds, it alone would yield abundant pasturage for as many cattle as the island is ever likely to want.

Another grass, however, far more abundant, and indeed universally distributed over the whole country, scarcely yields in its nutritious qualities to the tussac; I mean the Arundo Alopecusus, which covers every peat bog with a dense and rich clothing of green in summer, and a pale yellow good hay in the winter season. This hay, though formed by nature without being mown and dried, keeps those cattle which have not access to the former grass in excellent condition, as the beef which our parties for the four winter months supplied the ships with, can abundantly testify. No bog, however rank, seems too bad for this plant to luxuriate in, and as we remarked during our survey of Port William, although the soil on the quartz districts was very unprolific in many good grasses which flourish on the clay slate, and generally speaking of the worst description, still the Arundo did not appear to feel the change, nor did the cattle fail to eat down large tracts of such pasturage.

The numerous troops of horses also, on the flanks of the Wickham Heights can have little other fodder, whilst those of Mount Lowe and Mount Vernet must depend upon it entirely. Should the tussac disappear from any part of the island where stall-fed cattle are kept, it might be advisable to treat this plant as hay is in Britain, by which means its nutritious properties would doubtless be much better secured to the animals during the winter months, than by allowing the leaves gradually to wither, and not gathering it until nature has dried them.

For sheep, as hay, it would also do well, though I fear that it is too wet a nature, and thrives best in situations far too damp for their succeeding on it all the year round. Experience only will prove this; at any rate newly imported flocks should not at once be removed from dry fodder to any so succulent.

You are aware that many English plants invariably follow man, undesignedly on his part; many such are common here, as the groundsel, chickweed, and shepherd's purse, docks, &c. and have been distributed chiefly through the agency of cattle, rabbits, fowls and horses, more or less all over the island; amongst such, and most abundant of all, is the *Poa annua*, a very common English grass, and which forms a short bright green sward all the year round on the drier soil near the settlement, mixed with a few of the smaller native grasses and the common Dutch clover. Close to government-house there are many acres of such pasturage, and to it the sheep seem very partial, and thrive uncommonly well; a little attention to its increase, especially by sowing it in similar situations, and draining the ground, might produce very beneficial results.

Of the other good grasses there are several kinds growing on the hills, but they are not sufficiently abundant to demand particular attention, and in general grow intermixed with those of larger growths; only one of them appears prejudicial, and it is found only in scattered small tufts in a few places, generally where the quartz crops out on the hills, on a poor soil: I do not at all suppose this stiff wiry little herb to which I allude to be noxious in any degree; but it is harsh, and rejected by the cattle, as a much more common one is in England.

The only other use to which the grasses of the Falklands will in all probability be extensively put, is for thatching. Unfortunately the tussac is almost the only one of size sufficient for such a purpose, and it is, as you inform me, too brittle to last long; in short, it is too good in the animal economy. The stiff wiry grass growing on the sand downs of Port William, would probably answer better, and might be tried; though collecting it, and sorting it out, would be troublesome.

The Balsam bog (or *Bolax glebaria*) is a plant whose properties should be put to the test by some medical practitioner in England; I have been assured that its virtues in cases of gonorrhœa are not imaginary, and also that, applied as a balsam to wounds, it promotes the healing process: its gum is very abundant, and easily collected.

The wild Celery (*Apium graveolens*), so very poisonous a plant in England before being blanched by the gardener, is here not only wholesome and agreeable to the taste, but an

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excellent antiscorbutic. Treated in the garden as the celery is at home, it would certainly succeed, when a few stalks of it would be no small boon to a ship, on her arrival from a cruise; and though it may appear trifling to mention it, its seeds put into pea soup wonderfully improve a dish which those only who go to sea know how to appreciate. I will venture to say, that had you found the plant fostered with care in the government garden, instead of growing wild on the cliffs and beaches, you would seldom have sat down to table and not tasted it in some shape or another.

The little Sea-plant (*Myrtus numularia*), a species nearly allied to the classic myrtle, is commonly used here as a substitute for the Chinese herb, to which many of the guachos prefer it.

Singularly enough, the first settlers of New Holland and Van Diemen's Land selected a shrub of the same natural order (a widely different one from that which the true Sea belongs), and brewed tea from it to a great extent.

This plant is also said to be diuretic, for which purpose it might prove useful in medicine; for which purpose the young leaves should be gathered and dried separately, or rather scattered on sheets of paper and exposed to the sun or a moderate fire, after which they should be kept free from damp.

Were it possible to introduce grouse into the islands, it may be as well to mention, that the Didde-de belongs to the same genus as the Crow-berry (*Empetrum nigrum*) on which that bird feeds.

The taste of the berries of the two plants, as far as my memory serves me (and I have eaten abundance of both), is quite the same.

The Little Cress (*Cardamine glacialis*), to which I directed your attention when at Port William, is at any rate worth atttempting to raise in quantity, for which purpose I should think the better plan would be to plant it in a good and very damp soil, where it would probably rapidly propagate itself. Should any unfortunate whaler come in with the scurvy on board, it is the plant which should at once be collected and used by the sick, raw, as also the wild celery, and the following plant.

Scurvy grass of the colonists (*Oxalis enneaphylla*), which should more properly be called a sorrel, it being nearly allied to the little wood sorrel of England, whilst the true scurvy grasses belong to the same natural order as the cress mentioned above. It is important that these names be properly applied and universally known, especially in the town of Anson. This sorrel, though doubtless an excellent antiscorbutic, loses its leaves in winter, whilst those of the cress may be found all the year round. The leaves, you inform me, make a sort of gooseberry-fool during the summer, when boiled. In cases of fever an infusion of them would probably afford a pleasant and cooling draught, and might b used in lieu of lemons for sour sauces and lemonade.

The native Spinach (a species of Atriplex), is, I am told, an excellent pot-herb; it should also be tried in the garden, where a good soil, mixed with a little seaweed, would probably suit its habits.

Amongst the lichens there are some which yield fine colours with pure ammonia; I am however cautious in giving an opinion about them, as they require the test of the chemist and manufacturer.

The above are the most important plants that have come under my notice; and considering the scanty nature of the flora of the islands, and the rapidity with which their several good qualities have been discovered by so small a number of individuals, there can remain but little doubt that many of them only require a little care to become eminently useful.

For the most important, the grasses, Nature has done almost all; the others will want a little art, and very little, I presume.

Allow me to hope that on the arrival of any gardener in the colony, his attention may be directed to them by your Excellency,

I have, &c.

His Excellency the Lieut.-Governor,
Anson, Falkland Islands.

(signed) *Joseph Dalton Hooker.*

Encl. 2, in No. 23.

Enclosure 2, in No. 23.

Her Majesty's Ship Erebus, Falkland Islands,
29 July 1842.

My dear Sir,

Some months ago I forwarded to you the description of a Sedge (*Carex*), which from the information received respecting it was supposed to be the true tussac grass of these islands. Since then excellent opportunities have been afforded me, chiefly through your kindness, of examining large tussac patches in a living state, when I found that the sedge (though common amongst the tussac), was a very inferior herb indeed both with regard to quantity and quality.

You will be kind enough now to substitute the following description of the true tussac for that of the plant drawn up before, and to prevent any further errors I send dried specimens of each, labelled.

Description

Description of the Tussac Grass of the Falklands (Genus *Dactylis*, L.).

D..... panicula spicæformi densa interrupta valde compressa, locustis brevissime pedicellatis late ovatis 4 floris, glumis subæqualibus, palea inferiore puberula apice bifida breviter aristata, culmis validis compressis foliisque longissimis distichis glaberrimis. *Festuca flabellata*, Lam. 3. *Dactylis cæspitosa*, Forst. 3.

In the neighbourhood of the sea, on peaty, rocky, and sandy soil, very abundant, forming crowded isolated hillocks, 3—6 feet in height and 3—4 in diameter, from which the stems and leaves spring in immense profusion, not seen inland.

Gramen, 4—6 pedale. *Radices* perennantes, fibrosæ, fibris validis tortis, tumulos discretos formantes. *Culmi* densi, erecti, imo basi divisi, 3—4 pedales, læves, compressi, foliosi, pallide flavi, intus saccharini, edules. *Folia radicalia* longissima, linearia, disticha, culmo multoties longiora, 5—7 pedalia, ½ unc. lata, concava, demum plana, supra medium arcuata et pendentia, pallide glauco-virescentia, superne latiora; *culmea* breviora, erecta, involuta; *vaginæ* compressæ, læves, striatæ, superne fissæ; *Ligulæ* tenerrimæ, paulo longiores quam latæ, apice rotundatæ. *Panicula* spithamea et infra, valde coarctata et compressa, obtusa, ramis brevibus strictis tortisve plerumque angulatis multifloris glaberrimis. *Locustæ* ramis unilaterales, pedunculis rectis tortisve, 3—4 floræ, pallide flavo—virescentes nitidæque, rachi tereti glabro. *Glumæ* lanceolatæ acuminatæ, floribus longiores, vix carinatæ, dorso obscure ciliatæ, 3½ lin. longæ, marginibus involutis apicibusque scariosis, superiore paulo longiore trinervi, nervis obscure ciliatis.

Palea inferior ovata, concava, compressa, acute carinata, ad apicem obtuse trifida, segmento medio longiore subincurvo aristæformi, 5-nervis, nervis lateralibus evanidis, marginibus scariosis, carina nervisque ciliatis, *superior* inferiore ½ brevior, bicarinata, binervis, apice emarginata, glabra, nervis viridibus marginibusque ciliatis lateribus induplicatis.

Squamulæ 2, late obovatæ, oblique bilobæ, lobis ovatis acutis, marginibus laceratis, hyalinis, ovario vix breviores. *Stamina* 3, antheris stramineis.

Ovarium subovatum, imberbe. *Styli* elongati, basi approximati; *Stigmata*, laxe plumosa; *Caryopsis* elongato-ovata, cylindracea, v obscure trigona, v dorso plana pallide flava glabra.

I have been rather minute in this description, because I suspect that the plant has been described before both by Forster (of Cook's voyage) and by the French, from specimens brought home by the Uranie's officers, under different names, and with such meagre characters that it is impossible to say to what grass the names refer.

D'Urville's "Flore des Isles Malouines" I have not seen; he ought to have given a good account of so singular a plant, and if it be a South American plant, it is doubtless in many of the English and French collections.

His Excellency the Lieut.-Governor,
Falkland Islands.

I have, &c.
(signed) *Jos. D. Hooker.*

Enclosure 3, in No. 23.

MEMORANDUM respecting the PATAGONIANS.

THERE are five tribes of Patagonians, one to the north of Rio Negro, three south of that river, and one on the sea coast, west of the Cordilleras; these tribes are respectively as follows:

Lulla Much, Spuanmannuil, north of Rio Negro, 4,000 to 5,000.

Payniken, Gu-kāmu, south of ditto, 1,500.

Karmūs, Tarwelchi, Port Desire and Santa Cruz, 1,200.

Harwon-ēki, Wissale, Rio Gallegos and Strait of Magalhaen, 2,000.

Tatchwell, Cho-karro, west of the Cordilleras, 4,000.

The population given is a rough calculation in round numbers, obtained from the united testimony of San Leon, Isaac, and the natives, but does not profess to be very accurate. These tribes all speak one language, and call themselves by the general name of Choănick which may therefore be regarded as the distinctive appellation of the Patagonian nation.

The natives of the north coast of Terra del Fuego call themselves, and are called by the Patagonians, Irey. Formerly many of these people were made captives, on reaching the continent; but now they are not only allowed to live in freedom, but are well treated when they arrive, though the Patagonians invariably destroy the canoes by which they cross over, in order to prevent their return, as they are desirous to increase the population of their tribe. Instances have been known of Ireys breaking up their own canoes immediately on their landing on the north shore. The Ireys are great thieves when left

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to themselves, but are kept in some degree of order when associated with the Choănik.

The Patagonians have no idols or stated worship, but they believe in one good spirit, and two evil spirits.

Name of the good spirit, Kek-a-ōnce; it is sometimes called Tchur. One evil spirit is called Ouskin; sometimes U-pon. The other evil spirit God-lin, the *o* pronounced like *o* in *goad, load*. The good spirit they imagine resides in the sun, and the evil spirit in the moon. The former is called Su-ăni; the latter Kăăni-gerkin, the g hard as in *go*.

They consider that the soul does not die with the body, but that it then goes either to the sun or the moon; those who have lived wicked lives go to the moon.

They have no ideas respecting transmigration of souls, but believe that they remain either in the sun or in the moon after they are separated from the body.

Quansi, who died about two years ago, was the principal chief of the three Choănik tribes south of the Rio Negro, as Wissale is now, and during his rule killed all the witches and wizards excepting two, who are now with the tribe at Oazy Harbour. These individuals are employed in times of sickness, calamity, or the interment of the dead, to pray to the spirit in the sun, which they do on their knees, with their hands uplifted towards the supposed object of their adoration.

The men who perform these offices are called Kuchench, the women Bawk.

The dead are usually buried on the day after their decease. They are laid out straight in the grave, but always with their heads placed towards the west. The tents, household furniture, and every article belonging to the deceased that fire will consume, is burnt; all other articles, such as spears, knives, &c. are buried with the body, which is previously wrapped in a new mantle. They then blow with their breath over the grave, beating their heads with their hands; the horses of the deceased are killed, and their skins stuffed and made into bolsters for sleeping by the relatives.

The emblems of mourning are different; the male part of the relations cutting gashes in the calves of their legs, the young women cutting their cheeks, and the elder women cropping their hair short round their heads.

In the blood that issues from these several gashes they dip their fingers, and sprinkle it upwards towards the sun, beating their breasts at the same time, and offering a prayer to the supposed spirit on their knees.

Three individuals, a man, his wife, and son, belonging to the Tatchwell tribe, were at Oazy Harbour, and from one of them I obtained the following particulars:—The district inhabited by the Tatchwell is wet and rainy, and heavily timbered with trees of great size. Their tents, dress, and stature is similar to that of the other Patagonian tribes; they have, however, canoes, but these are only employed for crossing rivers, and are merely a light frame, covered with guanaco skins. They use no paddles, but are towed across by their horses swimming before with a lasso attached to their tails.

This country is represented as about north-west of Oazy Harbour; but in order to reach it, it is necessary to travel from thence considerably to the northward, as the pass through the Cordilleras in that part is better suited for horses than one farther south, which they do not frequent.

In the neighbourhood of this pass there is a large lake with an island in it. This part of the country and around the lake is inhabited by a tribe called Thit-titch, whose chief is named Tchucăto. They are more numerous than all the three Choănik tribes collected, wear ostrich feathers on their heads, woollen ponchos, and a sort of trowsers, cultivate the ground, and have numerous flocks and herds of sheep, cattle, and horses. Their language is different from that of the Choănik; they trade occasionally with the Spanish American settlements. Through this people they pass on their way across the Cordilleras, and then direct their course towards the south-west. The lake above-mentioned they call Chōbit, it is about seven days on horseback from Oazy Harbour, and thence to the Tatchwell (on account of the ruggedness of the route and the forests) would occupy ten days more.

Another tribe, called Eaks, was also mentioned by the same individual; they inhabited a district north of the Tatchwell, between the Cordilleras and the sea; but there is little intercourse between the two people, as their language differs, and in one direction a considerable river, which they cannot cross in their canoes, runs between them. The Eaks are a shorter race than the Patagonians, and are habited in ponchos.

It appears to me probable that the lake called Chobit by these people is the same which from Viedmas' testimony is marked on the maps Capar; and the wearing of ostrich feathers in the hair, and other circumstances related by the Tatchwell man (Wāō), but principally the former, is, I think, sufficient to identify the Thet-titch with the Pewenches, of which nation they are probably a tribe.

Note.—The above notes were furnished to the Lieut.-governor by Captain Allen F. Gardiner, R.N., who collected them in Patagonia in the early part of the present year, 1842.

— No. 24. —

(No. 35.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

No. 24.
Lieut.-Governor Moody to Lord Stanley.
10 October 1842.

Government House, Port Louis, Falkland Islands,
My Lord, 10 October 1842.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 11th January 1841 (page 7), transmitting a copy of a letter addressed by Commander Sulivan, Royal Navy, to the Commissioners of Crown Land and Emigration, and forwarded for my information and consideration.

I take the liberty of expressing the pleasure it has afforded me to find that upon many material points my own opinions coincide with those of Commander Sulivan. There is, however, one point of great importance, on which I cannot altogether agree with him, namely, the probable amount of revenue immediately to be derived from the wild cattle by means of the establishment he proposes, even allowing that a sufficient number of settlers arrive with capital to purchase from Government 3,000 head of cattle annually.

I am fully persuaded that by means of an efficient establishment 8,000 *l.*, or even a larger, and certainly an increasing annual sum, may be obtained, and that also wholly independent of any purchase by the settlers; but the first outlay and the annual expense must be greater than the sum estimated by Commander Sulivan in his letter to the Commissioners of the Crown Lands and Emigration.

Commander Sulivan's first item may be stated as follows:

The establishment to consist of four guachos and a superintendent, with six horses each.

	£.	s.	d.
Thirty horses from Monte Video, at from 2 *l.* to 3 *l.* each	75	–	–
Expense of conveyance by a vessel of war (inclusive of provender, I presume), at 2 *l.* to 3 *l.* each - -	75	–	–
Building a house and corral, to be constructed by artificers of a vessel of war - - - - - -	200	–	–
£.	350	–	–

I have very lately received information from Monte Video, that, in consequence of the wars, good lassoing horses are not to be obtained under from 4 *l.* to 5 *l.* each. In my Report, dated 14th April 1841, I stated that the price would probably be 20 *s.* each.

For the conveyance of the horses to these islands, Commander Sulivan reckons upon a vessel of war, which would materially lessen the expense; but that is a resource upon which I should not feel justified in placing reliance; the more so, as I find that some time previous to my arrival, the admiral commanding, upon requisition from the naval officer in charge of the islands, forwarded 20 horses from Buenos Ayres by a merchant vessel, at the expense of 330 *l.*, including the freight of 12 sheep, but not including the expense of provender or fittings-up of the vessel.

Commander Sulivan estimates for one house and corral, and allows 200 *l.* for that service, relying upon their being built by the artificers of a vessel of war, the wood for the carpenter's work being brought by the said vessel from the Straits of Magellan; but as these buildings would now have to be constructed by colonial labour, and as the carpenter's work would be with wood imported, I think that, at the very lowest, 300 *l.* should be allowed for this service.

There are four, what may be termed, "hunting corrals" in the interior, in contradistinction to the "farm corral" at the settlement; but as the cattle retire to less molested districts (which they have already done), they must be followed, and it would therefore be necessary to construct two or three entirely new ones on Choiseul Sound, with some kind of shelter attached to them. These would not require to be of the same permanent description as the one estimated above, and therefore would not, perhaps, cost more than 150 *l.* each.

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Six sets of horse-gear would also be necessary for each man, at 5 *l.* each.

With the above alterations the estimate for the first outlay would be as follows:

	£.	s.	d.
Thirty horses, at 4 *l.* each	120	–	–
Expense of conveyance by a merchant vessel, including provender, &c.	450	–	–
Six sets of horse-gear	30	–	–
Construction of one permanent well-built corral and house to the southward of the Wickham Heights (Darwin's Harbour)	300	–	–
Two commoner ones on the peninsula, to the southward of Choiseul Sound	300	–	–
Contingencies, one-tenth	120	–	–
£.	1,320	–	–

In estimating the annual expenses and profits, Commander Sulivan supposes that 3,000 * head of cattle could be captured annually by the above establishment, and delivered on the lands of the different settlers.

As I differ very materially upon this head, I may notice that I have taken much pains to ascertain what numbers have been captured hitherto within the year, and what may be done; and I find that upon no occasion have more than 306 head been brought into the settlement in one year, nor do I think that either men or horses could stand the fatigue of cattle-hunting through the winter and summer.

Few persons can have any idea of the severity of the work, and the deplorable state in which the best horses return from these expeditions; they seldom live through it longer than three or four years, and are generally all but broken down after two summers.

Cattle-hunting in the Falklands is very different from similar operations in the mild climate and on the hard ground of the Pampas of South America; the cattle also are stronger, heavier, and much wilder than at Buenos Ayres, or in the interior. It must also be borne in mind that this severe work, equal to successive very hard runs over a heavy country in England, with the addition of the violent struggles when fast by the lasso to a furious wild bull, is performed on horses of a poor breed, and grass-fed only. For the men also, although it is a life of delightful excitement, and of a skill and courage in which they may well be proud, the only repose after a day of great bodily exertion is on the bare ground, their saddle-gear serving for bed and pillow, and their poucho, with the addition of a rug or blanket (and perhaps a strip of painted canvass, if the day's work ends near a corral,) to shelter them from every inclemency of the weather. The men occasionally suffer from rheumatism, lying out as they are obliged to do for three weeks together; but the horses suffer most: ridden with withers wrung, no care taken of them, turned out at the end of the day to seek their food, and, bathed in perspiration, exposed to the frost of the night; with galled backs, jaws almost broken by the severe bit, and flanks dropping blood from the effects of the long sharp rowels of a guacho's spur.†

With only 30 lassoing horses, although of the best, not more than five trips should be calculated upon in the season; and with five guachos and two caballerizos (necessary men to take charge of the spare horses and sinuellas, or tame cattle, (decoys,) perhaps 120 head may be brought in each trip, making 600 head in the year; of which 200 should be added to the tame Government herd. If, however, the cattle are to be caught, and at once delivered to settlers on lands

* I think that this large number must arise from an oversight of Commander Sulivan. He states in his letter, that, "making every allowance for bad weather in winter, rest of horses, &c. they would bring in, on an average, from 50 to 70 head every other week, or about 3,000 head in a year;" but 50 to 70 head every other week would only give 1,560 head in a year.

† Lieutenant Tyssen, the naval officer lately in charge, humanely used to insist upon the guachos blunting their spurs.

lands not far from the cattle districts, perhaps 800 may be sold annually, and 200 added to the tame Government herd near the settlement.

I have also to remark, that if it appears only 1,000 head could be captured by the guachos, 4*s.* for bulls, including cutting, and 2*s.* for cows, would not be a sufficient remuneration, as it would only give each guacho 30*l.* per annum. I therefore consider that one dollar and one rial (one-eighth) ought to be allowed per head, the one rial, equal to 6½*d.*, being for the capitaz, in addition to his share; but these men would also have to be paid for sundry services out of the cattle-hunting season, which sum should also be added to the estimate.

Captain Sulivan's estimate of the annual expenses and profits is as follows:

	£.	*s.*	*d.*
Ten per cent. on the first outlay	35	–	–
Superintendent's salary	150	–	–
Two cattle-keepers	100	–	–
Catching 1,500 bulls, including cutting, 4*s.*	300	–	–
1,500 cows, at 2*s.*	150	–	–
Annual repairs of buildings	50	–	–
One-fourth of horses to be replaced	40	–	–
	825	–	–
Sale of 3,000 head of cattle, at 3*l.* per head	9,000	–	–
Profit £.	8,175	–	–

By the altered data which I am induced to estimate upon, the expenses would be increased, and the return diminished as follows:

	£.	*s.*	*d.*
Ten per cent. on first outlay	132	–	–
Superintendent's salary	150	–	–
Two cattle-keepers	100	–	–
Catching 1,000 cattle, inclusive of cutting bulls, $ 1 ⅛ per head	243	15	–*
Pay of four guachos and capitaz for sundry other services, at about five dollars per month each	65	–	–*
Pay of caballerizo	60	–	–
Provisions of flour, maté, and sugar, in addition to beef	100	–	–
Annual repair of buildings and corrals should be increased to	100	–	–
Probable expense of one-fourth of the horses to be replaced	140	–	–
	1,090	15	–
By sale of 800 head, at 3*l.*	2,400	–	–
Profit £.	1,309	5	–

Your Lordship will perceive, from the foregoing statements and calculations, that if there are purchasers, a superintendent and five guachos, with 30 good horses, at an outlay of 1,000*l.*, might be sufficient to bring in a few cattle from time to time for the supply of the settlement and ships, and to place a few half-wild cattle on the lands of settlers, with a net profit of about 1,000*l.* a year, the men being very skilful and the horses very good.

I will

* These sums would give each guacho 56*l.* 12*s.* per annum, and the capitaz 83*l.* 14*s.*, neither of which would be by any means more than equivalent to their services.

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I will now take the liberty of stating, that to conduct the Government farm efficiently, so as to kill or sell alive to settlers as many as may be required, and to increase the tame herds so as eventually to be independent of the wild ones, 10 guachos, one being the capitaz, a caballerizo at the settlement in charge of the brood mares, a well paid, intelligent superintendent (also an agriculturist), and 10 good horses for each guacho, are necessary.

With 10 horses for each man there could be two reliefs, one set resting and recovering while the others are employed. With such a force, 1,600 head, at least, could be sold to settlers on their lands annually, or 1,000 * brought into the settlement to kill and add to the tame herds, so as gradually to become independent of the wild ones, and the horses could then be replaced from the stud under the management of the caballerizo.

The estimate of the expenses and annual profit of this increased establishment would be as follows:

First outlay:	£.	s.	d.
One hundred horses at 4 *l.* each	400	–	–
Expense of conveyance, including provender	1,000	–	–
Twenty sets of horse-gear (a double set)	100	–	–
Construction of one permanent, well-built corral and house, to the southward of the Wickham Heights (Darwin's Harbour)	300	–	–
Two commoner ones on the peninsula, to the southward of Choiseul Sound, and a building and enclosure at the third corral (St. Carlos River)	400	–	–
Contingencies, one-tenth	220	–	–
£.	2,420	–	–

The Annual Expense:	£.	s.	d.
Ten per cent. upon the first outlay	240	–	–
† Superintendent's salary I propose to be raised to (or more)	400	–	–
Two cattle-keepers	100	–	–
A caballerizo in charge of the brood mares	60	–	–
Cost of rations for the above cattle-keepers and caballerizo	60	–	–
Two assistant caballerizos to accompany into the interior, and for other services	100	–	–
One capitaz and nine guachos, at 10 dollars per month each	‡ 260	–	–
Capturing and bringing in, and cutting bulls,—1,600 head of cattle, at $ 1 ⅛ per head	‡ 390	–	–
Flour, sugar, and maté for guachos and two caballerizos	100	–	–
Annual repair of buildings and corrals	200	–	–
Incidental services	390	–	–
	2,300	–	–
By sale of 1,600 head of cattle at 3 *l.*	4,800	–	–
Annual profit £.	2,500	–	–

This would be under similar circumstances, namely, settlers to purchase, a more certain profit than that to be derived from the smaller establishment; such

* A large proportion are now lost on their way to the settlement.

† This gentleman should be a professed agriculturist as well, and should spend at least two months visiting the Estancias of Buenos Ayres and Monte Video.

‡ These sums would give the capitaz 100 *l.* per annum, and each guacho 60 *l.*

such destruction of horses would not take place, and under the management of a superintendent sufficiently well paid to ensure getting a good one (as every thing would depend upon him), large tame herds might soon be formed, and hides from the wild ones exported.

All the foregoing calculations for immediate revenue are, however, based upon the supposition that settlers with capital will arrive and purchase cattle from the Government, and this is a matter of very great uncertainty. I have therefore given further consideration to the subject, and have drawn up a plan, which I beg leave to enclose* for your Lordship's consideration, as I am inclined to hope that by its adoption, perhaps with some amendments, Government, or a respectable company, would realize a large, certain, and annually increasing profit from the wild cattle in these islands, and that, too, wholly independent of settlers or any local changes whatsoever, namely, by exporting salt beef, hides, horns, tallow, &c. to a distant port, such as London even, at prices sufficiently low to ensure a market.

The details of this plan are drawn up in the form of a simple statement or proposal, with an estimate, the items of which can be criticised by persons better acquainted with the different departments of the trade than I can be expected to be; and I beg leave respectfully to request that it may be submitted to such persons for their opinions, and also to any really respectable company that may be formed to offer to purchase lands, and the cattle, horses, and pigs from Government, under the arrangements recommended by me in the report which I had the honour of laying before your Lordship, dated 14th April 1841.

I am anxious to receive the opinions these persons may think fit to express, as it is my intention again to submit the plan for your Lordship's consideration, as to whether it is not advisable at once to carry it into execution, and to include the item for the first outlay, amounting to 6,000*l.*, in the annual demand laid before Parliament.

I do not feel any hesitation in venturing to suggest that so comparatively large a sum for the Falkland Islands should be added to the annual demand, because I feel persuaded that the Government herds of wild cattle are far too valuable to be exposed to wanton destruction by any trespassers, having within them the source of a revenue more than sufficient to do away with the necessity of any Parliamentary grants hereafter to cover the annual expenses of this colony.

I have, &c.

(signed) *R. C. Moody,*
Lieutenant-Governor.

Enclosure in No. 24.

PLAN of a Proposed Establishment at the *Falkland Islands*, for domesticating the Herds of Wild Cattle, dividing and locating them upon Grazing Farms, and exporting Salt Beef, Hides, Tallow, Horns, &c. to the London or other Markets, at Prices to ensure a Sale; with an Estimate showing the Expenses of the Establishment and the Profits which would be immediately derived.

I MAY first notice that this speculation is unlike all others of a similar nature in the first formation of a colony; in this case the sources of profit are at once upon the spot, the expenses and risk of transport saved; nor is it a matter of doubt as to whether the lands, climate and grasses of the colony are adapted for grazing cattle and horses: finally, the ground is open, no obstructions to remove, no clearing the ground at a heavy expense per acre required. In spite of the deeply-rooted prejudices of years, the positive fact of the islands being

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* In despatch No. 31, dated 3d September, which I had the honour to address to your Lordship upon the subject of convict labour, I took the liberty of drawing your Lordship's attention to a system of government farming that might be established, by paying the superintendent of each farm one-third of the proceeds. The plan which I now have the honour to enclose would form the best introduction to such a system, in case capitalists do not come forward to purchase and establish grazing farms in the Falklands.

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being well adapted for grazing is undeniably proved by the presence of a great many herds all over the islands, but particularly numerous south of the Wickham Heights, and in the neighbourhood of the San Carlos River. A sufficient number of years, also, have elapsed for the cattle to have deteriorated in form, size, and quality, if the pastures had not been good; but, on the contrary, they are larger and finer animals than the French and Buenos Ayrean breeds, from whence they spring. The size and strength of the bulls would be considered remarkable even in the best cattle districts of England; therefore, if the surface of the country is a "barren moor land," (the favourite phrase of past detractors), the presence of these fine cattle is an extraordinary paradox.

I must candidly own, the first appearance of the country, particularly north and east of the Wickham Heights, is so forbidding and deceptive, that had I not had this strong fact to reconcile with the mere appearance of the country, I should probably have entertained so many doubts, that I might not have been induced to pay the close attention I have done to the soils, grasses, and climate; but, with this fact to strengthen me, my observations were more extended, easier generalized, and my doubts removed.

With regard to the number of the cattle, I am very much at a loss, it being a matter of great difficulty to estimate it. Upon this I have already made some remarks in my general report upon the Falkland Islands. I may, however, now state that further observations and inquiries lead me to think there are about 40,000* head of cattle, and 2,000 horses.

Of this number, say 20,000 are bulls of all ages, of which 10,000† or 15,000 are full grown animals, driven from the herds, and wandering about alone or in twos and threes. By cutting these as they are met with, 18 months or two years would improve their flesh and hides; but if their flesh was of no value, their size and good condition would yield abundance of tallow, and a large and heavy though not perhaps a high-priced hide. These bulls, however, I put out of my calculation altogether, and I consider that there are about 20,000 cows and heifers, and 10,000 bulls, many of which would be from two to three years old, all of which animals would be available for the purposes of my plan. Some of the wildest of the cows and a few heifers must be killed for exportation the first year or two, but after that, none but oxen.

Having premised the above remarks, I will now proceed to state, that I would commence with three cattle farms in the country, and one at the settlement, the latter to rear up in the second or third year some choice breeds from England. Of the country farms, one should be in each of the best cattle districts nearest to the settlement, namely, Port Pleasant, Darwin's Harbour (on the isthmus, at the head of Choiseul Sound), and one at the foot of Mount St. John, on the San Carlos River. At Port Pleasant and Mount St. John there are corrals ready built. I also propose to construct two hunting corrals in the midst of the cattle districts, on the peninsula south of Choiseul Sound.

The farm near the settlement should be the head-quarters.

I propose that the whole should be placed under a person well acquainted with grazing and agriculture, and who shall be sent previous to his arrival at the Falklands, to visit and report upon the best arranged estancias and saladeros at Buenos Ayres and Monte Video, and while there, he should make such arrangements as to ensure any future supply of guachos and horses that may become necessary; these being his tools to work with. I would prefer a person from England to one from the provinces of the La Plata, because improvements might be expected from the first, and the latter might be inclined to persevere in the same plan he had always followed, although upon a different soil, and in a different climate. The bailiffs or under superintendents should be from Buenos Ayres or Monte Video.

The income for the superintendent should be sufficiently good to insure the choice of a superior person.

I have put it down at 800 *l.* a year, nor do I think that with the profits to be derived from his services and talents, it would be by any means too large a sum; and the selection of a well-qualified person is essential to the success of the plan; without such a man it had better not be attempted.

Under the superintendent I would place four bailiffs or stewards, one over each farm, with an income of 150 *l.* a year; two herdsmen and two agricultural labourers to each farm; 20 guachos, one of whom to be the capitaz; 200 lassoing horses; two caballerizos to accompany the guachos, and a chief caballerizo at the "settlement farm," to manage the stud of brood mares and stallions, from which the future supply should be kept up for the guachos and others. It might be necessary in the second or third year to have two men in this department.

The salting and hide-curing department also to be under the chief superintendent, and managed by an under superintendent, at 200 *l.* per annum; 12 butchers, salters, &c. from Cork

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* In my report I stated them as 30,000 cattle and 3,000 horses. The cattle were estimated at 40,000 four or five years ago; but I think that there must have been an error, or else the trespassers round the islands have been extraordinarily busy. It is notorious that one person made his fortune in a short time by his rifle.

† Commander Sulivan rightly objects to the wild bulls, that is, the solitary ones, being killed. I can testify, by experience, that, if mounted, no danger need be apprehended from them, unless violently provoked. The horses are accustomed to resist their attacks, and with their heels are more than masters for the wildest bulls. To persons on foot and alone there may perhaps occasionally be some danger; but, after the establishment of the Government breeding stud, every man in the Falklands would be mounted, as horses could then be purchased for 20 *s.* or 30 *s.* a piece, and their keep would cost nothing.

Cork and Limerick, at 60 *l.* per annum each, with rations and house; three coopers (one being also a carpenter) at 60 *l.* per annum each, with rations and house.

With regard to the buildings, I propose that the following should be constructed at the "settlement farm."

A large permanent horse and cattle corral of stone, with dwelling for bailiff, guachos, herdsmen, and labourers; an inclosure or paddock, and calf-house; a dwelling-house for superintendent; a dwelling-house for butchers and coopers; salting-house fitted up with tables, &c.; slaughter-house and enclosure; large storehouse; hidehouse; cooper's shop. These buildings to be of wood, made, framed and fitted in England. The prices put down in the estimate are about what they would be furnished at by Manning, of Stepney, from whom I obtained the Government building I am now living in. They should be stronger than the one he furnished me with, and as economy is advisable, they may be very rough. The coopers, with the other assistants sent, ought to be able to put them up.

Eventually new houses of stone should be built, and these converted to other purposes. There is an excellent easily worked quarry of beautiful freestone in thick masses within 200 yards of the sheltered little cove and valley, where I would propose the farm should be. Within 100 yards from the spot where the buildings would be erected, is a natural jetty, easily converted into a very superior one by dry masses of stone from the quarry behind it.

The three country farms should each consist of a large horse and cattle corral with a small dwelling. As there are corrals at Port Pleasant and Mount St. John, it would only be necessary to construct the little cottages at those two places. The farm at Darwin's Harbour should be on a better scale than the other two, and perhaps the bailiff paid a little better. He ought to be able to fill the superintendent's place occasionally, as it might be necessary for him sometimes to visit Monte Video or Buenos Ayres about horses and guachos, only to be obtained from thence.

The farming establishment should be formed and in operation before the salting one arrives from England.

By means of the above establishment, I think that at least 3,000 head of cattle could be slaughtered by the end of the first year, and 200 to 300 head of cattle put on each farm, making in all a capture of 4,000 annually.

In the course of five or six years the exports would be doubled or tripled, and the farms so much increased as to render it advisable to form new ones.

I think that it would be proper to reserve one-third of the profits annually, to improve the lands immediately round each farm by draining where necessary, paring, and burning, sowing with better and mixed grass seeds, enclosing and improving tracts of tussac grass on the sea coast for winter fodder*, and planting fields of turnips and potatoes.

To prevent any mistake that may arise in the minds of any persons in England, who may give attention to the details of this plan, I may state that it is by no means necessary to go into the same expenses here as in England in conducting a cattle farm; all that is required are two corrals or large circular enclosures, about yards in diameter, the wall built of sods or stone, eight feet high, and four feet thick, with strong pieces of timber to ship and unship across the wide opening, and in addition to these, a small cottage of two or three rooms, and plenty of good horses; every man on the farm must be mounted, and should know how to use a lasso.

I will now sum up the above expenses, and set off against it the immediate profits to be derived, without any reference to the stocking the farms.

First Outlay:	£.	s.	d.
Two hundred lassoing horses, from the River Plate	400	–	–
Expense of conveyance, including provender and passage of guachos	2,400	–	–
Twenty sets of good horse-gear (each guacho bringing his own with him in addition)	100	–	–
Construction of one permanent cattle and one ditto horse corral	300	–	–
Bailiff and guacho's house	150	–	–
Three common corrals to the southward of the Wickham Heights	300	–	–
Three small cottages or country farms	250	–	–
Superintendent's house	250	–	–
Ditto for butchers and coopers	100	–	–
Salting-house, fitted up with tables, &c.	100	–	–
Slaughter-shed and inclosure	100	–	–
Hide house	50	–	–
Coopers' shop	50	–	–
Coopers' and butchers' tools	50	–	–
Freight of vessel for superintendent, men, and buildings	800	–	–
Contingencies	600	–	–
TOTAL £.	6,000	–	–

* This is very advisable, and ought to be commenced as early as possible. The value of this fodder is only to be conceived by those who have witnessed the fondness which cattle show for it, and have tasted the beef so fed.

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Annual Expense:	£.	s.	d.
Ten per cent. on first outlay	600	–	–
Superintendent's salary	800	–	–
Four bailiffs or stewards, at 150 *l.* per annum	600	–	–
Eight cattle-keepers, in charge of tame herds, at 50 *l.* per annum each	400	–	–
One caballerizo, in charge of brood mares	60	–	–
Eight agricultural labourers, at 40 *l.*	320	–	–
One capitaz and 19 guachos, at 10 dollars per month each (1 dollar = 4*s.* 4*d.*)	520	–	–
Capturing and bringing in 4,000 head of cattle, at 4*s.* 3*d.* per head, cutting bulls inclusive (the 3*d.* for the capitaz, with share) (This would give the capitaz 116 *l.* per annum, and each guacho 66 *l.*)	850	–	–
Two caballerizos to accompany guachos	100	–	–
Manager of salting and hide-curing department	200	–	–
Twelve butchers, salters, &c., from Cork or Limerick, at 60 *l.* per ann.	720	–	–
Three coopers, at 60 *l.* per annum	180	–	–
Flour, sugar, and tea, in addition to beef, for 59 persons	600	–	–
Salt and saltpetre, 27 tons, at 3 *l* per ton delivered	81	–	–
Four thousand casks (tierces), tubs, hoops, &c.	700	–	–
Annual repairs to buildings, &c. and incidental expenses	300	–	–
Freight to England of beef, hides, tallow, horns, hair, and crushed bones, including also dues and other shipping expenses, the freight being at 2 *l.* 10*s.* per ton	8,000	–	–*
TOTAL Annual Expense £.	15,031	–	–

ESTIMATE of First Annual Receipt by Sale in *London*.

	£.	s.	d.
3,947 tierces of mess beef, at 4 *l.*† the tierce	15,788	–	–
3,000 hides (salt), averaging 70 lbs. each, at 4*d.* per lb.	3,500	–	–
3,000 tongues, at 2*s.* each	300	–	–
6,000 horns, at 30*s.* per 123	73	–	–
600 cwt. of best tallow	1,500	–	–
30 tons of crushed bones, at 2*d.* per lb.	560	–	–
Hair and hoofs	?		
First Annual Receipts £.	21,721	–	–
First Annual Expense £.	14,871	–	–
TOTAL Profit at the End of the First Year £.	6,850	–	–

I will conclude with these remarks. It has often been urged, that salt-beef from the River Plate would keep beef from the Falklands quite out of the market; if so, it seems strange, considering the enterprise of British merchants, that salt-beef has not yet been exported from thence in sufficient quantities to lower the price in the London market. I have, however, received very good information from Monte Video, that meat there will seldom take salt sufficiently well for exportation‡.

In the Falkland Islands meat takes salt perfectly, and all the year round; and the pastures and temperate climate add to their other advantages, both in breeding and fattening cattle, as well as salting, so that the quality of the meat would be much better than any which could be exported from the Continent; more so, indeed, it also appears to me, than even from any other of the British grazing colonies; the coolness of the summer, and mildness of the winter, both acting in its favour.

The

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* This would seem to be a large sum for shipping expenses, but I think it would be found very nearly correct. I estimate the tonnage as following:

	Tons.
3,000 head of cattle, at 400 lbs. each, in salting pieces, 3,947 tierces	2,866
3,000 hides, at 70 lbs. each	93
600 cwt. of the best tallow	30
3,000 horns	20
Bones crushed	30
	3,039

At 2 *l.* 10*s.* per ton £. 7,097.

† Selling at 6 *l.* 5*s.* per tierce (mess) by the last prices.

‡ The "jerked beef" from thence would not find a sale in the English or European markets.

The prevalence of winds, which almost entirely cease in winter, do not appear to be at all felt by the cattle or horses.

I am desirous of the above plan being carried into execution by a company,* rather than by the Government, simply because, upon many general grounds not necessary to be mentioned here, I do not deem it advisable for Government to enter into any mercantile speculations when it may be avoided, and because I anticipate that a company would be induced to enter into other extensive operations, such as importing sheep (to be purchased in the River La Plata at 9 *d.* each) from Buenos Ayres, and improving them by Leicesters, Southdowns, and Cheviots, from England.

With reference to the success of the speculation, it would only remain for a company who might be permitted to undertake, to decide whether they would be content with a dividend of seven per cent. at the end of 18 months after investing their capital, and the certainty of an annual increase in a very rapid ratio.

I have, &c.

Government House, Port Louis,
10 October 1842.

(signed) *R. C. Moody*, Lieut.-Governor.

—No. 25.—

No. 25.
Lieut.-Governor Moody to Lord Stanley.
8 November 1842.

(No. 40.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis, Falkland Islands,
8 November 1842.

My Lord,

I HAVE the honour to inform your Lordship of the following case concerning an emigrant, his wife, and two children, sent out to the Falkland Islands by Mr. ———, of ———, and bound under an agreement to serve his agent for a period of three years

It appears that the said emigrant, ———, is a native of ———; and, according to his own account, was induced to emigrate by Mr. ———. Some circumstances have, however, transpired which induce me to suppose that he was a pauper, and that the parish, from some causes, were very anxious to be rid of him, his wife, and her children.

I beg leave to enclose a copy of the agreement which the said ——— entered into, and which he declares he had not seen until he signed it on board the Princess Royal, lying at Gravesend, immediately previous to her departure; and, as he could neither read nor write, the agreement was read to him.

It appears that on the voyage the nature of the agreement was more fully explained to him by some of his fellow-emigrants; and he perceived that he would have to provide clothes for himself, his wife, and children, at his own expense, or, rather, by running into debt with any one who would trust him; as, although the wages were very low (10*l.* for his wife and himself), yet he would not be entitled to any until the end of the three years, nor even any wages at all, if he should at any time be guilty "of any dishonesty, neglect, wilful impropriety, or damage," besides receiving "local punishment."

In consequence of the above comprehension of the nature of his agreement, the said ——— came before me to ascertain whether it would be binding on him. I gave my attention to the subject; and, sending for Mr. ———, I pointed out the hardness of the bargain, adding, I could not sanction so very improvident an arrangement for a poor man, and I recommended him at once to draw up one of a more liberal nature. Mr. ——— declined doing so; and, upon his return to his house, immediately dismissed the said ——— and his wife from his service, who were at once employed by one of the settlers upon very advantageous terms.

As in a second interview, which I requested, Mr. ——— informed me that three other persons, two blacksmiths and a carpenter, were serving upon agreements

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* I mean a really respectable company, possessing capital, and managed by men of mercantile influence, whose co-operation would guarantee that it was not one of the numerous fictitious joint-stock jobbing schemes of the day. If such an associated body as the latter were to get the cattle into their hands, it would be very difficult indeed to frame any laws to prevent the utter annihilation of the herds when the bubble burst, in order to secure any return; hides, tallow, anything, in short, to attempt to stay their bankruptcy.

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agreements of a similar nature, I deemed it right to inform him, that, should they also desire to leave his service, I should not feel myself justified in obliging them to return; and furthermore, that, as I could not sanction such a practice as for Mr. ——— in London or him to bring servants or artificers, and then dismiss them, as he had done ———, whether they could find employment or not, and so cause them to seek support from the government, I should compel him, upon any future occasion, to support such persons in a manner I should direct, until they could obtain permanent employment, or else send them back again to their parish in England at his own expense.

Had it not been for the very recent and unexpected arrival of a shopkeeper from Monte Video, the case of ———, and others, whom Mr. ——— informs me are bound to serve him under similar agreements, would have been peculiarly hard, because, until then, Mr. ——— was the only person in the colony from whom the poorer settlers, and those bound to serve him, could purchase clothes.

I shall conclude by taking the liberty of remarking, complaints have repeatedly been made to me by persons in Mr. ———'s employment concerning the nature of their agreements*; and I, therefore, venture to draw your Lordship's attention to the importance of measures being adopted to prevent persons sending poor people from England upon terms so improvident as those drawn up in the case above referred to; and I solicit any instructions your Lordship may be pleased to afford me on the subject, more particularly as regards the legality of such contracts.

I have, &c.

(signed) *R. C. Moody*,
Lieutenant Governor.

Encl. in No. 25.

Enclosure in No. 25.

MEMORANDUM of an agreement made and entered into this 12th day of July 1842, by and between ———, of ———, and ———, of ———, to the effect and purpose following; viz. That the said ——— hereby agrees and engages, and does hire and bind himself and his wife for a period of three years, to proceed to and stay at the Falkland Islands, as the servant of the said ———, and of his agent, there to act as a competent gardener and labourer, and likewise to work at such and all other and every kind of work required of him, both afloat and ashore; and for such duties, honestly, zealously, and industriously performed for the interest of his said employers, by their orders and their agents and assigns, then the said ——— shall receive the sum of 10*l.* for the first year, 12*l.* for the second year, and 15*l.* for the third year; in addition thereto, board, lodging, and passage gratis; said salary to commence from landing at the Falkland Islands, and be payable at the expiration of said third and last year, unless the said employers may think fit, for good conduct or expediency, to advance any monies from time to time, and to increase their remuneration in any way for good services, &c. For any dishonesty, neglect, wilful impropriety or damage, of which the said servants shall be convicted, their wages shall become forfeited, in addition to local punishment. And further, it is hereby agreed that Jane, the wife of said ———, sailing from ——— with her two children at the cost and expense of said ———, and to be boarded and lodged at the islands, she the said Jane shall act as the domestic servant for baking, brewing, dairying, and household work of and for Mr. ———, in any and all reasonable way required of her otherwise.

(signed) ———.

———.

Witness, &c. ———.

Witness, ———.

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* In other colonies, where there is a constant demand for labour, the evils of improvident agreements are scarcely felt, because the employer is quickly made to feel what is his best interest without the necessity of any interference. In these islands, however, for the present, the poor emigrant, on forcing a dismissal, would at once be thrown on his own resources, and, although at last he would become independent by industry, his hardships at first would be great.

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— No. 26. —

No. 26.
J. Stephen, Esq. to the Colonial Land and Emigration Commissioners.
15 March 1843.

No. 40. 8 Nov.

COPY of a LETTER from *J. Stephen*, Esq. to the Colonial Land and Emigration Commissioners.

Gentlemen, Downing-street, 15 March 1843.

I AM directed by Lord Stanley to transmit to you, herewith, the copy of a despatch from the Lieutenant-governor of the Falkland Islands, reporting the steps which he had taken with reference to a contract made by an immigrant with Mr. ———, the provisions of which appear to have been very unfavourable to the immigrant.

As it would appear that other individuals had been persuaded to come under contracts of the same nature with the same parties, Lord Stanley desires that you will adopt such measures as may be in your power to warn individuals who may contemplate emigrating to the Falkland Islands against subjecting themselves to obligations so improvident and disadvantageous.

I am, &c.
(signed) *J. Stephen.*

— No. 27. —

No. 27.
Lieut.-Governor Moody to Lord Stanley.
10 November 1842.

(No. 42.)

COPY of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis,
My Lord, Falkland Islands, 10 November 1842.

I HAVE the honour of submitting the following additional remarks to the details of the proposed survey department, submitted for your Lordship's consideration in Despatch No. 18, dated 30th April 1842.

By the two clerks recommended for the Survey Office, I would wish it to be understood that it is not intended they should be merely clerks for writing, but calculators and draughtsmen, both in right-lined drawing and hill-drawing, or what is called "shading ground," and should be men who have already been employed in a survey-office in that capacity *.

In Despatch No. 18, I have not alluded to the pay of the surveyors and chainmen, although in my General Report, No. 14, in estimating the probable expense of the survey, I allowed 12 *s.* per diem, with rations, for each assistant-surveyor, and 3 *s.* per diem, with rations, for each chainman.

I do not think that considering their labour and exposure, 12 *s.* is by any means too much for an industrious and well-qualified person, but I would prefer, that in the first instance, they should receive 7 *s.* per diem with rations, and that I should have the power of raising it individually, upon the recommendation of the chief surveyor, in a degree proportionate to the industry they show, and the qualifications each may prove himself to be possessed of, but that such daily pay should not exceed 10 *s.* without especial permission from your Lordship.

It is necessary for me to observe, that this surveying establishment is proposed entirely upon the understanding, that there exists in England, on the part of many, a desire to emigrate and invest capital in the Falklands. Under such

* In a note to Despatch No. 19, I have alluded to Corporal Richardson as being available for the Survey-office, but he would only be so as a clerk and calculator, and not as a draughtsman; and, indeed, being so good a bricklayer, and my only one, I think, upon further consideration, that he should not be taken from his present duty.

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such circumstances, it is the smallest surveying staff which would be either economical, or could nearly keep pace with the offers of purchase, even with a good start beforehand. Should it however appear to your Lordship, that such a desire exists only among a very few, half the establishment and half the stores enumerated in Despatch No. 18, would be sufficient, not deducting any article in the latter of which only one in number is demanded. The establishment in this case should consist of one chief surveyor, three assistant surveyors *, and 10 chainmen; if possible, with wives, who would be of great service to the colony, and to themselves, in rearing pigs and poultry, and baking, cooking and washing for the men in the colony.

I am very desirous of suggesting to your Lordship, that at all events, the small party should be sent to enable me to prosecute a careful general survey of the interior, lay out the best lines for roads, define the bounds of the best lands, and in fact to have a good foundation laid beforehand for anything that it may hereafter be thought desirable to execute in aid of colonization.

Should your Lordship be pleased to consider favourably of the survey being carried on under Mr. Robinson's directions, of whose industry and the accuracy of whose work I have experience, and am well satisfied, it would be advisable that the person I have ventured to recommend in Despatch No. 18, to be sent to relieve him in his present duties, should also be a qualified accountant.

I would gladly be relieved in this part of my duty, and I am persuaded that such relief would be much to the advantage of the general duties carried on under my immediate superintendence.

I have lastly to state, that I am unacquainted with the mode in which stores for colonial service are selected, and forwarded, and as the selection of the very best is essential to the accuracy and excellence of a survey, I take the liberty of suggesting, that such selection should be deputed to some person of acknowledged experience in surveying duties, or that application be made to the headquarters of the Ordnance Survey Department in the Tower.

I have, &c.
(signed) *R. C. Moody.*

No. 28.
Lord Stanley to Lieut.-Governor Moody.
15 March 1843.

— No. 28. —

(No. 24.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody.*

Sir, Downing-street, 15 March 1843.

I HAVE to acknowledge the receipt of your despatch of the 10th November last, No. 42, containing some additional suggestions on the subject of the survey department, which, in your General Report, you proposed to constitute for the service of the Falkland Islands.

By my despatch of the 25th January last, you will perceive that that part of your General Report which relates to the survey department, had engaged the particular attention of the Commissioners of Land and Emigration, who had entered into correspondence respecting it with Captain Dawson; and that having reference to the improbability of any considerable emigration at the present moment to the Falkland Islands, the Commissioners had recommended that the gentleman now acting as storekeeper should be appointed to superintend the survey department; that the men of the sappers and miners should compose the surveying parties; and that the only officer to be sent out from this country should be one clerk to the surveyor. In these recommendations I have concurred, and the estimate to be submitted to Parliament has been framed in accordance with them; and I shall lose no time as soon as the estimate shall have been passed in selecting a fit person to fill the situation of clerk to the surveyor.

I have, &c.
(signed) *Stanley.*

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* One of these to be a draughtsman and clerk for the office.

FALKLAND ISLANDS.

— No. 29. —

No. 29. Lieut.-Governor Moody to Lord Stanley. 16 Nov. 1842.

(No. 43.)

Copy of a DESPATCH from Lieutenant-Governor *Moody* to Lord *Stanley*.

Government House, Port Louis,
My Lord, Falkland Islands, 16 November 1842.

I have the honour of informing your Lordship of the return of the Antarctic Expedition from St. Martin's Cove, near Cape Horn, bringing me 700 young trees, chiefly winter barks, beeches, and holly-leaved berberries, all in excellent order. Captain Ross has also added a further valuable service to the colony, by bringing 400 or 500 pieces of timber of different sizes, several of them sufficiently good for the rafters of thatched roofs to small cottages.

The trees were immediately planted, and, from the very careful manner in which they were brought over, I trust will succeed, although they were in leaf, the spring far advanced, and the ground here much parched for want of rain. Indeed, so little rain has fallen since the beginning of October, and from want of spare hands to water, the seeds of vegetables sown in the government garden have made but little progress.

The satisfactory state in which the trees have arrived from a much greater distance, and more stormy locality, than need be resorted to by a vessel sent on purpose, has convinced me that, in sheltered vallies, with ground prepared beforehand, and at the fall of the year, or very early in the spring, plantations in these islands, formed under the superintendence of an experienced planter, would thrive and might be carried to any extent at a small expense.

A colonial vessel would bring many thousands in a trip of a month.

I am also informed that the furze hedges at Port Egmont, West Falkland, from seed sown by the English in former years, are now of a great height and impenetrably thick, from the ground upwards.

Furze, therefore, on the top of a small embankment, would greatly assist to screen the young plantation. But until these operations are carried into execution by an experienced person, I should attach no importance to their failure, because I well know the care with which the distinction should be made, between transplanting those trees taken from the centre, and those from the skirts of a wood, also the importance of not lacerating or tearing any of the roots in taking them up, and the delicate manner in which they should afterwards be laid down; the soil and situation also should, if possible, be similar in both cases. The perfect success and unexpected failures from attention and inattention to these and other apparently trifling details, may be observed every day in the extensive plantations in Scotland and exposed parts of Ireland.

There is no person in the colony at all qualified to carry out these essentials to ensure success, and indeed I trust your Lordship will forgive my so often venturing to remark that an experienced gardener, or intelligent general superintendent of the government farm, is much needed at the Falkland Islands.

I will conclude by noticing that the holly-leaved berberry of these regions is a very ornamental tree, or rather large shrub, bearing remarkably delicate and beautiful clusters of orange-coloured flowers, and, what is of some importance, the bark, as in the other berberries, yields a brilliant and abundant yellow dye.

I have, &c.
(signed) *R. C. Moody*,
Lieutenant-Governor.

— No. 30. —

No. 30. Lord Stanley to Lieut.-Governor Moody. 25 March 1843.

(No. 27.)

Copy of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 25 March 1843.

I have to acknowledge the receipt of your despatch of the 16th November last, No. 43, reporting that Captain J. Ross had brought to the Falkland Islands a number of young trees, which you had caused to be planted, and that you

FALKLAND ISLANDS.

you were not without hopes that they might succeed. I shall be happy to hear that this has been the case, as a growth of timber on the islands would no doubt be very advantageous; but I cannot hold out to you at present the expectation that Her Majesty's Government will incur the expense of sending out at the public charge a person to act as gardener.

I have, &c.
(signed) *Stanley.*

— No. 31. —

No. 31.
Lord Stanley to Lieut.-Governor Moody.
9 March 1843.

(No. 22.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 9 March 1843.

WITH reference to my despatch of the 26th ult. (page 60), I transmit herewith, for your information, the copy of a letter from the Secretary to the Lords Commissioners of the Admiralty, explaining the exact nature of the instructions issued by their Lordships in regard to the stationing of a small vessel of war at the Falkland Islands.

3 March.

I have, &c.
(signed) *Stanley.*

Encl. in No. 31.

Enclosure in No. 31.

Sir, Admiralty, 3 March 1843.

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 2d instant, relative to the permanent employment of a gun-brig at the Falkland Islands, I am commanded by my Lords to acquaint you, for the information of Lord Stanley, that their Lordships cannot, without inconvenience, appropriate two vessels of war to relieve each other merely for guard duty at the Falkland Islands; that the Philomel sloop-of-war, surveying vessel, has been ordered there since the date of Lieutenant Moody's letter; and their Lordships will direct Commodore Purvis to send, for the duty pointed out by Lieutenant Moody, one of the small vessels under his command, and to cause this service to be attended to, and kept up, as far as may be in his power, and the means at his disposal will admit of, which their Lordships trust will sufficiently meet the object of his Lordship, and of the Lieutenant-governor.

I am, &c.
(signed) *John Barrow.*

J. Stephen, Esq.
Colonial Department.

— No. 32. —

No. 32.
Lord Stanley to Lieut.-Governor Moody.
13 March 1842.

(No. 23.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-Governor *Moody*.

Sir, Downing-street, 13 March 1843.

I HAVE the honour to transmit to you herewith the copy of a Report which has been addressed to the Lords Commissioners of the Admiralty by Sir H. T. De la Bêche, on the subject of some specimens of coal found in the Falkland Islands. I have to desire that you will furnish me with any further information which you may be able to obtain on the subject of the coal formations in the colony.

7 March.

I have, &c.
(signed) *Stanley.*

— No. 33. —

No. 33.
Sir John Barrow to G. W. Hope, Esq.
7 March 1843.

COPY of a LETTER from Sir *John Barrow*, Bart. to *G. W. Hope*, Esq.

Sir, Admiralty, 7 March 1843.

MY Lords Commissioners of the Admiralty having received the enclosed report of an analysis of coal sent from the Falkland Islands, I am commanded by

by my Lords to send you a copy thereof, for the information of Lord Stanley, and to acquaint you that they are desirous of such further investigation being made as is practicable. FALKLAND ISLANDS.

I am, &c.
(signed) *John Barrow.*

Enclosure in No. 33.

Encl. in No. 31.

Museum of Economic Geology,
Sir, Department of H. M. Woods, &c. 28 Feb. 1843.

Some delay has taken place in reporting on the specimens sent from the Admiralty to this establishment, in consequence of an analysis of coal (one of the specimens) being necessary, and it being desirable that this analysis should be executed with the precision required in modern chemistry, for which we had not the last improved apparatus until lately.

Having now carefully examined the specimens transmitted, and the analysis above-mentioned being completed, I am enabled to state, for the information of the Admiralty, that, regarding the utility of the substances shown by the specimens to occur in the Falkland Islands, good coal and valuable peat are found in those islands.

The specimens of coal were unfortunately without tickets when they came to this establishment, and therefore their exact locality is not apparent; but, judging from specimens of carbonaceous shale, with tickets, probably associated with coal, they may have come from Sussex Harbour, East Falkland.

The specimens show good bituminous coal, fit for a variety of purposes; and it may be useful to compare an analysis of it, made in our laboratory, with one of some of the best of the Dean Forest coals, also made in our laboratory.

	Falkland Islands.	Dean Forest.
Carbon	77·97	71·14
Hydrogen	5·42	4·90
Nitrogen	0·95	1·41
Silica	2·00	0·85
Alumina	1·84	0·65
Sulphate of lime	0·24	
Iron pyrites	-	7·12
Sesqui sulphate of iron	-	1·60
Water	3·25	4·68
Oxygen and loss	8·33	7·65

Although the specimens thus prove the occurrence of good coal in the Falkland Islands, it should be observed, that further information is necessary, in order to judge of the capability of its being profitably worked, information showing the thickness of the coal-beds, and the dip or angle they make with the horizon, coal frequently occurring in beds too thin to be of any economic value.

Beds of coal, of three or four feet in thickness, have been stated to have been found in the Falkland Islands; but this requires confirmation.

Among the remaining specimens, which are chiefly those of ordinary rocks, are some of the peat said to abundantly occur in these islands. These specimens show that, as in some of the great peat bogs in Ireland, the lower parts of the peat accumulations assume a very oituminious character. From White Rock Harbour, West Falkland, there is a specimen so highly bituminous, that it has nearly the aspect of pitch; it burns with a brilliant flame, and might be very advantageously employed for gas-light purposes; it would also, if properly treated, afford coal-tar, and would also be valuable on this account, if it should be found to occur in sufficient abundance.

I have, &c.
Hon. Sidney Herbert, M. P. (signed) *H. T. De la Bêche.*

— No. 34. —

No. 34.
J. Stephen, Esq. to the Colonial Land and Emigration Commissioners.
20 March 1843.

LETTER from *J. Stephen*, Esq. to the Colonial Land and Emigration Commissioners.

Gentlemen, Downing-street, 20 March 1843.

Leave having been now obtained from the House of Commons for the introduction of a Bill to enable Her Majesty to establish a more regular system of government in the Falkland Islands, I am directed by Lord Stanley to desire

FALKLAND ISLANDS.

that you will prepare and submit for his consideration the plan which it seems to you most desirable to establish in that colony for the management and sale of public land.

I am, &c.
(signed) *J. Stephen.*

No. 35.
Colonial Land and Emigration Commissioners to G. W. Hope, Esq. 28 March 1843.

— No. 35. —

LETTER from the Colonial Land and Emigration Commissioners to *G. W. Hope*, Esq.

Colonial Land and Emigration Office,
Sir, 9, Park-street, Westminster, 28 March 1843.

We beg to acknowledge the receipt of your letter of the 20th instant, informing us that, as leave had been given by the House of Commons for the introduction of a Bill to enable Her Majesty to establish a more regular system of government in the Falkland Islands, Lord Stanley desired a further communication from us relative to the disposal of the public lands.

In reply we have the honour to state, that, subject to the appointment of the additional persons who are requisite for carrying on the government in the colony, and for whom provision has been made in the Parliamentary Estimate, we see no reason why a system of sale for the waste lands should not at once be authorized both in this country and in the colony.

In regard to the mode of sale, we would recommend the adoption of the mixed system, which has been introduced, by the authority of Parliament, into the Australian colonies, viz. of exposing all country lands once to auction, and leaving the unsold portions to be purchased, as required, by private contract. The town and suburban lots would, in conformity with the same plan, never be sold otherwise than by auction.

In our letter of 10th December last (p. 41) we expressed our concurrence in the opinion of the Lieutenant-governor that the price of the country lands should not be higher than 8 *s.* per acre. He considered that a sum adequate to the charges, properly thrown upon the land fund, would be thereby obtained; and we also thought that, as the disposition on the part of the public to purchase colonial lands had lately been checked, it would probably not be prudent that a higher price should be named for the present. We should accordingly recommend this to be adopted as the upset price.

The price which has been proposed for the town lots, of half an acre each, is 50 *l.*; and at that rate the Lieutenant-governor appears already to have disposed of a few sections. The price proposed for suburban lots, of 25 acres each, is 2 *l.* per acre, or 50 *l.* for the section. These prices we recommend to be adopted also as the upset prices.

We should next propose, as in the case of the Australian colonies, to offer to receive deposits in this country for the purchase of land, and to apply such portions of them as may be sanctioned by Her Majesty's Government to the conveyance of labouring people suitable for the colony, who might be nominated, if desired by the persons who effected the purchase. The deposits should be made according to the established rule for other colonies, in sums of not less than 100 *l.* each.

We think that, independently of these general arrangements, it ought to be open to the Government to make a special contract with any company or large purchasers who may be willing to embark their capital in the settlement of these islands.

Previously to announcing to the public that the waste lands in this colony were open for sale, we should wish to prepare and print, in as compendious a form as possible, the principal facts to be gathered from the papers now about to be laid before Parliament, in order to throw light upon the capabilities of the colony as a place of settlement, and upon the prospects of persons, whether capitalists or labourers, who should emigrate there. We should at the same time cause it to be distinctly understood, that the prices named for the waste lands are not permanent, but are liable to be raised or lowered whenever it should seem fit to Her Majesty's Government.

In

In our regulations for the selection of emigrants, especial reference will of course be made to the descriptions given by the Lieutenant-governor and others acquainted with the colony, of the persons who would be found most serviceable, as well as best adapted to the climate. It would seem desirable that no extensive emigration should take place from this country to the Falklands till after the beginning of July, in order that the emigrants may not arrive during the equinoctial gales, or until the winter is completely over.

As soon as the terms of sale shall be definitively arranged and announced to the public in this country, we propose to bring under Lord Stanley's notice the expediency of acting upon the Lieutenant-governor's suggestion of forwarding copies of any such announcement to Her Majesty's ministers and consuls in certain parts of South America, where it appears probable that there are some English residents who might be desirous of taking part in the settlement of these islands.

The only practical question besides the sale of lands which would seem still to remain for consideration, is the disposal of the wild cattle; and upon this head we have adverted to the carefully-drawn scheme for their management which has been sent home by the Lieutenant-governor, in his despatch, No. 35, of 10th October 1842. It would certainly not appear desirable that a scheme involving such a large preliminary expenditure, and requiring such constant and careful superintendence, should be undertaken by the Government with a view to commercial profit. On the other hand, as regards any arrangement with a company, there is as yet so little information as to the disposition which may exist, or will arise, to associate for the purpose of colonizing these islands, and of investing capital in the various undertakings connected with that object, that we think it would be premature, before all the facts at present known had been for some time published, to consider, further than has been done in our previous reports, the terms upon which the valuable property in these animals shall be disposed of. We would therefore beg leave to suggest fo Lord Stanley's consideration, that no practical decision be come to on this matter until the effect be seen of publishing the Lieutenant-governor's reports concerning them, together with his estimate of the expense and profits of their management.

We have, &c.
(signed) *T. Fred. Elliot.*
Edward E. Villiers.

— No. 36. —

No. 36.
J. Stephen, Esq. to Land and Emigration Commissioners.
4 April 1843.

LETTER from *J. Stephen*, Esq. to the Land and Emigration Commissioners.

Gentlemen, Downing-street, 4 *April* 1843.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 28th ult. reporting, in obedience to his Lordship's instructions, the regulations which you would propose to establish for the disposal of the public lands in the Falkland Islands, and to convey to you his Lordship's approval of the proposed regulations.

I have, &c.
(signed) *J. Stephen.*

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 14 April 1842;—*for*,

COPIES of PAPERS and DESPATCHES relative to *New Zealand*, up to the latest Date.—(*In continuation of those printed* 11 *May* 1841, *No.* 311.)

RETURN, showing, in Columns, the various Acres or Lots of Land in the Colony of *New Zealand*, sold by Government, with the Extent of each Lot, and the several Prices per Acre obtained for such Lands, since those Islands became a British Colony; distinguishing the Lands purchased on behalf of Non-residents, and those purchased by Resident Emigrants.

(*Mr. Wallace.*)

Colonial Office, Downing-street, 9 August 1842.

G. W. HOPE.

Ordered, by The House of Commons, *to be Printed*, 12 *August* 1842.

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CORRESPONDENCE

WITH THE

NEW ZEALAND COMPANY.

NEW ZEALAND.

No. 1.
J. Somes Esq. to Lord John Russell, 18 May 1841.

For Mr. Vernon Smith's Letter, 3 May 1841, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 147.

— No. 1. —

Copy of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord, New Zealand House, 18 May 1841.

THE Directors of the New Zealand Company have the honour to acknowledge the receipt of Mr. Vernon Smith's letter of the 3d instant, relative to the amount of discount to be allowed to the Company on purchases of land to the extent of 50,000 acres, and trust that they shall not be considered to manifest undue pertinacity in respectfully requesting your Lordship to reconsider the subject.

As your Lordship disclaims any preliminary understanding on the part of the Colonial Department with respect to the rate of this allowance, the Directors will not further press that point; and they freely admit that in a case like that under discussion, where neither party can have any experimental knowledge to assist a calculation of probable results, it would be difficult to prove that the 20 per cent. offered by your Lordship would be insufficient for the intended purpose. But they confidently submit, with reference to the considerations urged in my letter of the 20th ultimo, that the grounds upon which it is reasonable and expedient, because for the advantage of the public, that an allowance (which ought to be called commission rather than discount,) should be made to a body like the New Zealand Company,—purchasing from the Government large tracts of land in a new colony, with a view to settling them by emigration, conducted on a great scale, and on sound principles,—are such that, whatever the rate agreed on in the first instance, the mere lapse of time can afford no valid reason for its reduction.

An organized body like this Company, having a very considerable command of capital, and making the systematic colonization of New Zealand its business, brings qualifications to bear upon that end, in respect to which neither the executive Government on the one hand, nor individuals, necessarily deficient in the strength of combination, on the other, can compete with it. It has the deepest stake, moral as well as pecuniary, in the general prosperity of New Zealand as a British colony. A regard for its own interests compels it to take the utmost possible pains to prevent a disappointment of the reasonable expectations of any class of settlers. If the Company succeed in these objects, every year must add to its credit, and to the confidence reposed in it, and consequently to its power of carrying out the views of the Government for the speedy and complete colonization of New Zealand. But under the proposal conveyed by Mr. Vernon Smith's letter of the 3d instant, the remuneration assigned to the Company, as the agent for the sale of land between the Crown and the public, will decrease as its usefulness in that capacity increases; and a calculation upon the beneficial results of its exertions is apparently made the ground for diminishing, after a very brief period, the allowance with which, in the first instance, it is proposed to stimulate and reward those exertions.

Looking at the matter in this point of view, the Directors trust that your Lordship will see reason, in "the benefits to be derived from the sale of land by the Company," not merely "at the commencement of the colony," but during many years of its progress, to revise that part of the terms stated in Mr. Vernon Smith's letter under reply, which contemplates the reduction of the rate of discount from 20 to 15 per cent. after two years. They do not think that in

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relation to the public benefits to be derived from their agency, the rate of 25 per cent., originally proposed by them, is too high: but between that amount and the 20 per cent. now offered by your Lordship, there is not, as hinted above, ground for any discussion which the Directors would think worthy of their position, or in accordance with that frank and liberal spirit in which they are sincerely desirous to meet every proposal of the Colonial Department. At the same time they regret that, with reference to the great public objects in view, it should have been thought worth while to make any reduction of a demand which, as the smallness of that reduction proves, could not have been thought extreme.

I have, &c.
(signed) *Joseph Somes*, Governor.

— No. 2. —

No. 2.
R. V. Smith, Esq. to J. Somes, Esq. 25 May 1841.

Copy of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 25 May 1841.

I am directed by Lord John Russell to acknowledge the receipt of your letter of the 18th instant, in which you request, on the part of the New Zealand Company, a still further modification of the decision with regard to the amount of discount to be allowed the Company in purchases of land, to the extent of 50,000 acres, than that communicated to you by my letter of the 3d instant.

In reply, I am directed to acquaint you, that Lord John Russell did not expect that the circumstance of his consenting to raise the amount of discount would be converted into an argument against him.

Lord John Russell considers that two years hence the question may be discussed, whether it is for the public advantage that 15 or 20 per cent. should be the amount of discount to be allowed. Lord John Russell thinks it right to state, with reference to the observations contained in your letter, that he is not prepared to admit that a Government department is incompetent to conduct such sales of land; the public lands in North America, both in the United States and in Canada, being very generally sold in that manner.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 3. —

No. 3.
J. Somes, Esq. to Lord John Russell. 18 May 1841.

For Mr. Vernon Smith's Letter, 18 Nov. 1840, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 85.

Copy of a LETTER from *J. Somes*, Esq. to Lord *John Russell.*

My Lord, New Zealand House, 18 May 1841.

With reference to Para. 4 of Head III. of the Arrangement forwarded under cover of Mr. Vernon Smith's letter of the 18th November last, I have the honour, on behalf of the Directors of the New Zealand Company, to solicit your Lordship's consideration of a point of great consequence, not merely to the interests of that body, but to the success of the operations which they are disposed to conduct upon a scale calculated, as they are persuaded, to confer signal benefits upon this country.

The question which I submit to your Lordship is this: Is it intended that the emigrants, in the removal of whom to New Zealand the purchase-money of land in that colony bought by the Company is to be expended, should be exclusively of the labouring class? Or that a certain limited proportion of such money should be available for the passage of parties proceeding to the same destination as the employers of labour?

Had the colony with which they are connected, and which it is their ambition, as well as their interest, to elevate as speedily as possible to a high position amongst the most valuable dependencies of the British Crown, been of considerable standing, the Directors would not have troubled your Lordship by raising a discussion sufficiently set at rest both by precedent and reason. But they submit

submit that the peculiar circumstances of New Zealand give it a claim to be dealt with, for a time at least, as respects the encouragement of emigration, in a special manner; and I beg respectfully to lay before your Lordship the grounds of that opinion.

The colonies of Australia are in a condition to require only labour; capital already exists there to a considerable extent; it is rapidly growing, from the peculiarly profitable returns of sheep farming; and the temptation of very favourable investment, at risks ascertained to be small, is constantly drawing from this country the capital both of parties who propose to employ it in person, and of others who remain at home.

New Zealand is necessarily, at present, in a very different position. Fertile land is the only element for the creation of a prosperous society, which, as yet, is to be found there. It would be more than useless to send out labourers alone to those islands. They cannot be advantageously conveyed thither, unless their employment on arrival, by means of the capital of other parties, be simultaneouly insured. It is necessary, therefore, to induce persons of a higher class than that of labourers or handicraftsmen to embark in the adventure; and this, it has appeared to the Directors, can best be effected by holding out to the purchasers of certain quantities of land, who must necessarily become the employers of labour, the advantage, for a limited period at least, of a free, or partially free, passage to the colony. By this attraction, a considerable body of the wealthier class is brought to act together, and to form with the labourers, whom it is always easy to collect, but who, without the capitalists, would perish with hunger in New Zealand, or be mere burthens upon the company, an association for mutual protection, support, and enjoyment, instead of straggling out, one by one, in the helplessness of isolation; and the Directors are not aware that the same end, involving the transfer of so much labour from Great Britain, where the market is overstocked, to a country where it can be most profitably employed, could be so effectually compassed by any other means.

What is expended, therefore, at present in enhancing the attractiveness of New Zealand to the employers of labour, is, in fact, a necessary means, under existing circumstances, to the beneficial emigration of labourers; and, consequently, to the establishment of society in that colony. When the primary stage of affairs has been passed, and capital begins to flow naturally, as already in the case of Australia, towards openings for its profitable investment, the company will, of course, gladly abstain from holding out any special inducement to the emigration of the wealthier classes; but, in the meanwhile, they are convinced that a moderate expenditure for that end is highly expedient, and that it could not be abandoned at this juncture without mischievously checking the current now setting towards settlement in New Zealand, and consequently detracting from the benefits which this country must derive, both in the shape of immediate relief, and in the creation of another colonial market for its productions, from general emigration to those noble islands.

Soliciting your Lordship's consideration of the point submitted for your judgment, and your opinion, if the principle be admitted as applicable, for the present, to the circumstances of New Zealand, as to the proportion in which the sums paid by the company for land might be expended in giving free, or partially free, passages to other than labourers,

I have, &c.
(signed) *Joseph Somes*, Governor.

— No. 4. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

No. 4.
R. V. Smith, Esq. to J. Somes, Esq. 27 May 1841.

Sir, Downing-street, 27 May 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 18th instant, in which, with reference to Paragraph 4 of Head III. of the General Arrangement between the Government and the New Zealand Company, you request to be informed whether it is intended that the emigrants, in the removal of whom to New Zealand the purchase-money of land bought by the Company is to be expended, should be exclusively of the labouring class, or that

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a certain limited proportion of such money should be available for the passage of parties proceeding to the same destination, as the employers of labour.

In reply, I am directed to acquaint you that it never was in the contemplation of the Government that the produce of the land sales in New Zealand should be applied to defray the cost of the passages of the richer class of emigrants; such an arrangement as is now proposed by you would have the effect of restoring the old principle of granting land gratuitously to the higher class of emigrants; and the adoption of it would draw on the Government the reproach of abandoning the principles hitherto as strenuously maintained, and would tend, by the lure of extraordinary advantages, to encourage the emigration of a great number of people rich enough to make the saving of the cost of their passage an important object to them, but not rich enough to contribute much to the advancement of the settlement.

Under these circumstances Lord John Russell declines to comply with your application on behalf of the Company.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 5. —

No. 5.
R. V. Smith, Esq. to J. Somes, Esq. 28 May 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 28 May 1841.

I AM directed by Lord John Russell to transmit to you the enclosed copies of a correspondence, comprising two Reports from Mr. J. Pennington, as referee between the Government and the New Zealand Company, in regard to the amount of expenditure on account of which the Company are entitled to receive land in New Zealand, under the arrangement entered into with the Government.

No. 1. Mr. Pennington. 17 April.
No. 2. Mr. Jas. Stephen. 29 April.
No. 3. Mr. Pennington. 8 May.

The result of Mr. Pennington's investigation is to show that, under such arrangement, the Company are entitled to receive 531,929 acres at present; and that they may hereafter be entitled to a further portion of between 400,000 and 500,000 acres of land.

Lord John Russell will forthwith transmit to the Governor of New Zealand copies of Mr. Pennington's two Reports, with instructions to make to the agents of the Company the necessary assignments of land, in pursuance of the terms of the agreement.

I am, &c.
(signed) *R. Vernon Smith.*

Enclosures in No. 5.

Enclosures in No. 5.

(No. 1.)

My Lord, London, 17 April 1841.

WITH reference to the arrangement entered into between Her Majesty's Government and the New Zealand Company, of which arrangement a copy was enclosed in Mr. Vernon Smith's letter to me, dated the 20th January last, I have now the honour to report as follows:

After a careful and minute examination of the books and accounts of the New Zealand Company, of the various documents connected with them, and of the contracts and engagements into which the Company have entered, I find that their outlay and expenditure "in the taking up, chartering, and dispatching ships for the conveyance of emigrants to New Zealand; in the maintenance of such emigrants before and during the outward voyage; in the purchase and transmission of stores for the public use of the settlers collectively on their arrival; and under other heads of expenditure unavoidably required or reasonably incurred," amounted, on the 31st December last, to the sum of 119,480 *l.* 14 *s.* 1 *d.*, exclusively of the expenditure made under the above-mentioned heads by the Plymouth Company of New Zealand.

Besides the above-mentioned expenditure, the Company have paid, and contracted to pay, to the New Zealand Company of 1825 the sum of 20,000 *l.* for the lands acquired by that Company by purchase from the native chiefs; and they have likewise paid to the New Zealand Association of 1839 the sum of 40,000 *l.* for all the rights, interests, and lands which that Association had acquired or might become entitled to in New Zealand, and for the ship Tory and her cargo, then on the outward voyage to that colony.

It

It further appears that the following bills of exchange have been drawn by the Company's agent at New Zealand, and paid by the Company, the application and expenditure of the produce of which bills cannot be stated until an account thereof is received from the colony:—

Seven bills, dated respectively in the months of April, May, June, and July 1841, amounting together to 3,700 *l.*

I find, moreover, that the Company have entered into certain engagements, and incurred certain liabilities, for the due performance of which they are directly or indirectly responsible. They are as follows:

1. The application to the cost and expense of conveying emigrants to New Zealand, of the sum of 21,078 *l.* 8 *s.* 11 *d.* which remained in their hands on the 31st December last, and which, according to agreements entered into with the purchasers of land sold previously to that date, is solely and exclusively applicable to that object.

2. The application to the same object of the sum of 7,500 *l.*, being three-fourths of the purchase-money of 10,000 acres of land sold to the Plymouth Company of New Zealand.

3. The like application of 15 *s.* per acre in respect of all the lands which the New Zealand Company have engaged to sell to the Plymouth Company, by an agreement dated 6th August 1840, in which agreement the New Zealand Company have engaged to sell to the Plymouth Company (with the same provisions with respect to the application of three-fourths of the purchase-money to emigration, as in the case of all other sales of land) a further quantity of land, containing in the whole 50,000 acres in one block, in addition to the 10,000 acres above mentioned.

4. The cost and expense of surveying and delivering 137,290 acres of land, which the New Zealand Company had sold previously to the 31st December last, and engaged to deliver to various purchasers.

It is here proper to observe, that part of the provisions and stores shipped for the use of the settlers collectively (the cost and freight of which provisions and stores are included in the above-mentioned sum of 119,480 *l.* 14 *s.* 1 *d.*) may very possibly be sold, or applied to other purposes than those to which they were originally destined. The final adjustment of the account of those stores and provisions, and of the expenses and earnings of the ship Tory, must necessarily be deferred until the accounts thereof have been received from the colony.

I have, &c.

To the Right hon. Lord John Russell, &c. &c. &c.

(signed) *James Pennington.*

(No. 2.)

Sir, Downing-street, 29 April 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 17th instant, in which you report the result of your investigation of the claims of the New Zealand Company, under the arrangement entered into by them with the Government; and I am to request that you will have the goodness to state, for his Lordship's information, what, according to your judgment, is the total sum, in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted; and what is the total sum, in respect of the expenditure, of which the right to receive land must be reserved for the results of future inquiry and consideration.

I am, &c.

James Pennington, Esq. (signed) *Jas. Stephen.*

(No. 3.)

Sir, London, 8 May 1841.

I BEG to acknowledge the receipt of your letter of the 29th April, requesting me to state, for the information of Lord John Russell, the total sum, in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted; and what is the total sum, in respect of the expenditure, of which the right to receive land must be reserved for future inquiry and consideration.

In reply I have to state, that it appears to me that the total sum, in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted, amounted, on the 31st December last, to 132,982 *l.* 9 *s.* 8 *d.*; and that the total sum, in respect of the expenditure, of which the right to receive land must be reserved for future inquiry and consideration, amounted, at that date, to 116,276 *l.* 13 *s.* 4 *d.*

It is proper, at the same time, to state, that in the last-mentioned sum of 116,276 *l.* 13 *s.* 4 *d.* is included the sum of 28,578 *l.* 8 *s.* 11 *d.*, which, according to an absolute agreement entered into with the purchasers of land sold previously to the 31st December last, is solely and exclusively applicable to the expense and charges of conveying emigrants to the colony; and that as of this sum of 28,578 *l.* 8 *s.* 11 *d.* the sum of 18,481 *l.* 3 *s.* appears to have been so expended previously to the 1st ultimo, and as the remainder will be very soon absorbed in the freight of ships already engaged for the conveyance of emigrants to the colony, the whole may now be considered as having been appropriated to the discharge of one of the absolute liabilities of the Company, existing at the date of the agreement with Her Majesty's Government.

If this sum of 28,578 *l.* 8 *s.* 11 *d.* be added to the sum of 132,982 *l.* 9 *s.* 8 *d.* abovementioned, the amount, in respect of the expenditure of which the right to receive land may be immediately admitted, will be 161,560 *l.* 18 *s.* 7 *d.*

 I beg

NEW ZEALAND.

I beg leave, upon this occasion, to state some details, and to enter into some explanations, for his Lordship's information, and in order to guard against possible mistake and error, in the adjustment of the future claims of the Company, in respect of their liabilities and expenditure at home and in the colony. As those details and explanations involve matters of account, I have given them in statements hereunto annexed. Whenever the claims of the Company for land are to be finally adjusted, whether at home or in the colony, those statements and explanations may, if necessary, be referred to.

I have, &c.
(signed) *James Pennington.*

James Stephen, Esq.

				£.	s.	d.
Outlay and Expenditure of the New Zealand Company in taking up ships, &c. to 3d December 1840				119,480	14	1
In this sum are included the following items which must remain open for future adjustment; viz.						
Stores and provisions in sundry ships, as per statement	£.	11,319	13 10			
Goods and stores per ship Cuba, as per statement		8,726	5 7			
*Hire of the Cuba and the Brougham from September to December 1840, three months		1,452	5 –			
				21,498	4	5
			£.	97,982	9	8
Sum payable to the New Zealand Company of 1825		20,000	– –			
Of this there remains to be paid out of the future profits of the Company		10,000	– –			
				10,000	–	–
Amount paid to the New Zealand Association of 1839		40,000	– –			
Open for future Adjustment:						
The ship Tory	£.	9,000	– –			
Cargo of the Tory		6,000	– –			
		15,000	– –			
				25,000	–	–
			£.	132,982	9	8

* The freight and hire of those ships previous to September 1840 are included in the above stated sum of 119,480*l.* 14*s.* 1*d.*

London, 8 May 1841. *James Pennington.*

Sums in respect of the Expenditure, of which the Right of the New Zealand Company to receive Land must be reserved for future Inquiry and Consideration.

		£.	s.	d.
Funds remaining in the Company's hands on the 31st December last, applicable solely to emigration		21,078	8	11
Ditto, being three-fourths of the purchase-money of 10,000 acres of land sold to the Plymouth Company		7,500	–	–
(A.) Stores and provisions shipped for the use of the colonists collectively, as per statement		11,319	13	10
(A.) Goods and stores per Cuba, as per statement		8,726	5	7
(B.) Hire of the ships Cuba and Brougham from September to December 1840		1,452	5	–
(C.) The ship Tory		9,000	–	–
(A.) Cargo of the Tory		6,000	–	–
Payment to the New Zealand Company of 1825, not yet made		10,000	–	–
(D.) Bills drawn upon the Company by their agent in New Zealand		3,700	–	–
	£.	78,776	13	4
The application to emigration of 15*s.* per acre on 50,000 acres of land which the New Zealand Company have contracted to sell to the Plymouth Company		37,500	–	–
	£.	116,276	13	4

(A.) The

(A.) The stores and provisions per sundry ships, the goods and stores per Cuba, and the cargo of the Tory, amounting together to 26,045*l.* 19*s.* 5*d.*, appear to have been shipped for barter, and for the use of the settlers collectively; and as it is possible that some part of them may have been disposed of for other purposes than those to which they were originally destined, the final adjustment of the sum of 26,045*l.* 19*s.* 5*d.*, in so far as relates to the claim of the Company for land, must, I apprehend, be deferred until an account of the disposal and application of those several shipments is received from the colony.

(B.) The ships Cuba and Brougham having been engaged by the Company for services required in the colony, the hire of those ships from September (the latest date at which it is known with certainty that they continued in the Company's service) to the 31st December 1840, or to the period to which the colonial expenditure shall be made up, will, I apprehend, be included in the adjustment of that expenditure.

(C.) The ship Tory is said to have been lost on her voyage from Sincapore to China. If so, the amount recovered from insurance, less the wages paid to her seamen, and the cost of repairs and disbursements since her departure from England, must be deducted from 9,000*l.* plus the cost of the ship's outfit, in order to ascertain the amount in respect of which the claim of the Company for land must be determined.

(D.) The bills drawn by the Company's agent in New Zealand will, I apprehend, merge in the account of the Company's expenditure in the colony, to be hereafter adjusted in London, or in New Zealand, according to the terms of the agreement made with Her Majesty's Government.

London, 8 May 1841. *James Pennington.*

ACCOUNT of STORES and PROVISIONS shipped for *New Zealand.*

	£. s. d.	£. s. d.
Per Oriental:		
40 Barrels Hambro' Pork	135 10 –	
30 Tierces Foreign Beef	157 10 –	
Freight, &c.	37 14 8	
		330 14 8
Per Aurora:		
100 Barrels of Flour	182 10 –	
50 Barrels of Pork	169 7 6	
40 Tierces Beef	210 – –	
Freight, &c.	94 11 5	
		656 8 11
Per Duke of Roxburgh:		
100 Barrels of Flour	182 10 –	
110 Barrels of Pork	373 17 6	
80 Tierces of Beef	420 – –	
Freight, &c.	121 2 –	
		1,097 9 6
Per Adelaide:		
Freight of Ordnance Stores	– – –	25 1 1
Per Bolton:		
Freight of Stores shut out of other Ships	– – –	5 3 7
Per Glenbervie:		
50 Barrels of Flour	– – –	94 2 6
Insurance per Ship or Ships	217 7 6	
Freight, &c.	95 6 9	
		312 14 3
Per Platina:		
36 Barrels Ship-bread	160 18 5	
36 Casks for ditto	93 3 –	
30,000 Best picked Greystocks	60 – –	
Freight, &c.	661 6 –	
		975 7 5
Per Brougham:		
55 Barrels Mess-pork	178 15 –	
14 Butts Ship-bread	62 11 7	
45 Barrels Mess-pork	150 15 –	
35 Tierces Hambro' Indian Beef	215 5 –	
140 - ditto - ditto	806 15 –	

(*continued*)

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	£. s. d.	£. s. d.
Per Brougham—*continued.*		
15 Tierces India Beef	90 – –	
998 Barrels Flour	1,688 5 8	
14 New 180-gallon Casks	36 4 6	
Charges, &c.	85 17 3	
Freight	1,430 6 –	
		4,744 15 –
Per Harrington:		
208 Barrels American Flour	– – –	299 17 4
Per Balley:		
192 Barrels American Flour	283 11 6	
48 Barrels fine Dantzic Flour	69 4 –	
Freight	1,225 15 –	
Charges and Expenses	5 9 –	
		1,583 19 6
Per Olympus:		
450 Barrels of fine Dantzic Flour	651 12 8	
Freight, &c.	148 6 3	
		799 18 11
Per Lord William Bentinck:		
100 Barrels of Flour	144 11 8	
Freight, &c.	32 16 3	
		177 7 11
Per London:		
50 Tons of Salt	88 – 9	
Freight, &c.	128 12 6	
		216 13 3
	£.	11,319 13 10
Shipment per Cuba:		
Blankets, Tobacco, Slops, Guns, Ironmongery, &c.	6,955 11 5	
Freight	1,539 2 11	
Insurance	225 4 –	
Charges	6 7 8	
		8,726 6 –

London, 8 May 1841.

— No. 6. —

No. 6.
J. Somes, Esq. to Lord John Russell.
18 May 1841.

Copy of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord, New Zealand House, 18 May 1841.

With reference to Paragraphs 2 & 4 of Head III. of the Arrangement forwarded under cover of Mr. Vernon Smith's letter of the 18th of November last, I have the honour to inform your Lordship that the Directors of the New Zealand Company desire to purchase from the Crown a block of land to the extent of 50,000 acres.

Under the arrangement above cited, it is necessary, in order to the Company's obtaining discount upon the purchase-money of this land, that the payment to the Crown should be made "in ready money." But as it is the object alike of Her Majesty's Government and of the Company that the whole of the sum paid for the block of land now tendered for should be expended in emigration, which the Directors desire to conduct themselves, under the superintendence and control of the Commissioners of Colonial Land and Emigration, it is presumed that it is not your Lordship's wish that any money should actually pass on the transaction. The Directors suppose that your Lordship will be satisfied that the spirit of the rule in question has been sufficiently observed, if a sum equivalent to the price of 50,000 acres of land, at 1 *l.* per acre, less the stipulated discount, be expended by the Company in the conveyance of emigrants to New Zealand, within such a reasonable compass of time as may give a sufficient character of unity to the transaction; that an expenditure of this nature would be accepted, in short, as a payment "in ready money."

Under

Under this impression, with regard to your Lordship's views on the point, I beg to state, on behalf of the Directors of the New Zealand Company, that they propose to make the outlay in payment of the purchase-money of the 50,000 acres now offered for, in the following manner:

First, in conveying emigrants to the settlement of New Plymouth (founded by the Plymouth Company of New Zealand, which has now been incorporated with this Company), in the Oriental, of 600 tons, which is engaged to sail from Plymouth on the 15th of June next, and in other vessels which it is proposed to dispatch to the same destination in the course of August and September next.

Secondly, in conveying emigrants to a second settlement of this Company, which it is intended to call Nelson (and for the selection and survey of a site for which an expedition sailed from Gravesend in the Whitby and Will Watch on the 27th ultimo), by vessels, the first of which will sail in August next, and which will follow each other in rapid succession.

It is impossible to bring arrangements of such magnitude, and demanding also such attention to detail, as are necessary for the conveyance of many hundred emigrants to New Zealand, within a narrow compass of time. An attempt to dispatch such a body at once would occasion much inconvenience, and probably an unprofitable increase of expense in this country, and a great hazard of serious distress to the emigrants, involving discredit to the Company and the Government, in the colony. It is on this account that the Directors have not attempted to specify the number of vessels in which it is intended to dispatch the emigrants, on whose conveyance the price of the 50,000 acres, a title to which is now solicited, is to be expended, or the precise date of their sailing respectively; but they pledge themselves, that the transaction shall be completed before the close of the month of November next.

I take this opportunity of apprising your Lordship, that, from oversight, for which the Directors trust that the want hitherto of an organized system of report and supervision will plead their apology, no notice was given either to the Colonial Department or to the Commissioners of Colonial Land and Emigration, of the sailing in the Whitby and Will Watch, on the 27th ultimo, of 77 emigrants; of these, 75 were men selected with great care, and with special regard both to physical qualifications and to character, for the purpose of performing the more toilsome parts of the task of surveying the new settlement. They are all married men, and with a single exception, under 30 years of age. They have been promised that their wives and children shall follow them in the first ships that are dispatched with colonists, to take possession of the site selected by the preliminary expedition. Under this explanation, of the correctness of which the Directors will be happy to furnish any proof that the Commissioners may think requisite, they trust that credit will be allowed them in the purchase of the 50,000 acres now tendered for, on account of the expense of conveying the 77 emigrants above mentioned to New Zealand.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 7. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

No. 7.
R. V. Smith, Esq. to J. Somes, Esq. 4 June 1841.

Sir, Downing-street, 4 June 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 18th ultimo, in which, with reference to Paragraphs 2 & 4 of Head III. of the Arrangement between the Government and the New Zealand Company, you intimate the desire of the Company to purchase a block of land to the extent of 50,000 acres; and you request a relaxation of that part of the agreement which provides that the payment to the Crown for the land should be made in ready money, in order to obtain for the Company the discount to be allowed on such payments.

You assume that it is the object alike of the Government and the Company, that the whole of the sum paid for the block of land now tendered for, should be expended in emigration; which, you state, the Directors desire to conduct themselves, under the superintendence and control of the Commissioners of Colonial Land and Emigration.

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You assume, therefore, that the Government will be satisfied that the spirit of the rule has been sufficiently observed, if a sum equivalent to the price of 50,000 acres at 1 *l.* per acre, less the stipulated discount, be expended by the Company in the conveyance of emigrants to New Zealand, within such a reasonable compass of time as may give a sufficient character of unity to the transaction; that an expenditure of that nature would be accepted by the Government as a payment "in ready money."

Lord John Russell considers that it will be difficult to adopt such an arrangement without incurring some risk of confusion and misapplication in the proposed appropriation of funds.

Still, however, his Lordship will consent to adopt the proposal of the Company, in this instance, on the understanding that such concession is not to be considered a precedent, if it can be so arranged that the actual outlay of the money by the time which you specify shall be established to the satisfaction of the Land and Emigration Board, who shall be entitled to employ Mr. Pennington, at the charge of the Company, to investigate the accounts and vouchers of the expenditure, and to report that it has actually been made for the objects and within the meaning of the agreement.

Under all the circumstances, his Lordship further consents that the expense of sending out the 77 emigrants who have already sailed, should be taken into account in the same arrangement.

Lord John Russell directs me to take this opportunity of stating, that after the emigration of the present season, 50 per cent. of the produce of land sales in this country, both from the Company and individuals, will be retained for expenses of survey, aborigines, and other necessary charges of the local government.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 8. —

No. 8.
J. Somes, Esq. to Lord John Russell. 4 June 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord, New Zealand House, 4 June 1841.

THE Directors of the New Zealand Company, perceiving with great regret, from the last paragraph of Mr. Vernon Smith's letter of the 25th ultimo (No. 2, page 2), that some observations contained in my address of the 18th idem have been misunderstood, I hasten to assure your Lordship that I have never intended to allege that "a Government Department is incompetent to conduct sales of land;" nor can I find that I have made an assertion which I should feel to be highly unbecoming. The only passage in which the Government is mentioned in any relation, however remote, to the point in question, is that quoted below*, which, I respectfully submit, merely urges the superiority of the means possessed by the New Zealand Company for conducting the entire process of systematic colonization; a superiority which, it appeared to the Directors, your Lordship had already recognized on several occasions, but especially by the grant of discount or commission on the purchase-money of considerable tracts of land, on the express ground of the public "benefits to be derived from the sale of land by the Company." I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 9. —

No. 9.
R. V. Smith, Esq. to J. Somes, Esq. 15 June 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 15 June 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 4th instant, containing an explanation of a portion of your letter of the 18th ultimo.

I am, &c.
(signed) *R. Vernon Smith.*

* "An organized body like this Company, having a very considerable command of capital, and making the systematic colonization of New Zealand its business, brings qualifications to bear upon that end, in respect to which neither the Executive Government on the one hand, nor individuals necessarily deficient in the strength of combination on the other, can compete with it."

— No. 10. —

No. 10.
R. V. Smith, Esq. to J. Somes, Esq. 16 July 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 16 July 1841.

I AM directed by Lord John Russell to acquaint you that his Lordship has instructed the Colonial Land and Emigration Commissioners to intimate to the public that the uniform price of land at New Zealand will be adhered to for the present in the Government sales; but his Lordship will be ready to receive any remarks, if the New Zealand Company have any to offer, on the subject of future sales.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 11. —

No. 11.
J. Somes, Esq. to Lord John Russell, 29 July 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord, New Zealand House, 29 July 1841.

THE Directors of the New Zealand Company attach such great importance to the subject of Mr. Vernon Smith's letter of the 16th instant, especially when regarded in connexion with the intimation respecting the appropriation of half the proceeds of future land sales to purposes other than those of emigration, conveyed by that gentleman's letter of the 4th ultimo, that they respectfully avail themselves of the opening afforded them, with so much courtesy, by the former communication, to submit for your Lordship's consideration the following remarks upon the uniform price of 1*l.* per acre for Crown land in New Zealand, which, it is stated, will be adhered to for the present.

2. That uniform price has now been practically reduced, as far as funds available for carrying out labouring emigrants to the colony are concerned, to 10*s.* an acre. For this reduction the Directors were partly prepared by the last paragraph of Mr. Vernon Smith's letter of the 2d December last, though in that passage 50 per cent. of the proceeds of the land sales is specified as the minimum proportion to be "applied towards the introduction of emigrants;" whilst the recent resolution of the Colonial Department declares absolutely that 50 per cent. "will be retained for expenses of survey, aborigines, and other necessary charges of the local Government."

For Mr. Vernon Smith's Letter, 2 Dec. 1840, vide Papers relative to New Zealand, ordered by The House of Commons to be printed, 11 May 1841, No. 311, p. 88.

3. Under this resolution, the means of defraying the cost of emigration will amount to 50*l.* for each hundred acres of Crown land sold in New Zealand; a sum little more than sufficient for the conveyance of two adult labourers, say, of one married couple, to that colony. But as the best description of emigrants, couples just married, and without children, cannot be expected to offer in sufficient numbers, a considerable proportion of the aggregate proceeds of the land sales must necessarily be expended in providing passages for children of the adult emigrants, who cannot render any beneficial return to the colony for some length of time. Add to this, that a very large proportion of the emigrants receiving free passage, are not agricultural labourers, but artisans and mechanics, equally essential to the general well-being of the colony, but affording no direct assistance to the cultivation of the soil. When these two large deductions have been made, it may be calculated that of the 50*l.* afforded by the sale of each hundred acres, enough will not remain to bear the charge of the emigration of one strictly agricultural adult labourer, or of the wife of such an individual, to New Zealand.

4. It is needless to insist upon the utter inadequacy of such a relation of labour to land. On the most favourable estimate, there will be, on the average, but one agricultural labourer and his wife to 200 acres. Such a proportion would be insufficient, even in Australia, where the occupation of the labouring classes is mainly pastoral. But as your Lordship justly observes, in your despatch to Governor Hobson of the 17th April last, "there appears to be an essential difference between the soil of New Zealand and that of every district hitherto occupied by British subjects in Australia. The country appears to be

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essentially fitted for agricultural, and not for pastoral operations, and will require the application of much labour to render it productive." The want of a sufficient supply of labour will be proportionably mischievous.

5. For that evil, which if it obtain to any considerable degree, must greatly retard the progress of the colony, and consequently diminish its value to England, there is but one remedy, namely, to raise the uniform price of land until the surplus, after the reduction of 10 *s.* per acre "for expenses of survey, aborigines, and other necessary charges of the local Government," be, as nearly as may be found practicable, commensurate with the actual demand for labour. Raising the price to 30 *s.* per acre would double the existing surplus; doubling the present price would treble the surplus. No one who has paid any attention to the subject, or who has any knowledge of the state of affairs throughout the southern colonies, will doubt, that the capitalist who pays 2 *l.* per acre for land, and finds three labourers ready to be hired, will make a far more advantageous bargain than he who gives 1 *l.* only, and can obtain but one labourer. The advantage, indeed, of the former party in the supposed case would be greater than the mere proportions of numbers would indicate. The competition for labour will always, of course, in the circumstances of a new colony, be in an inverse ratio to the number of labourers; the services of the three labourers would be secured for a sum considerably less than three times the wages which the one would be able to command. And even at 2 *l.* per acre, the interest, at the highest colonial rates, of the money invested in the purchase of an estate of 200 or 300 acres, would bear so low a relation to the yearly cost of the labour necessary for its efficient cultivation, (whilst there is no doubt that such cultivation in New Zealand would yield an extremely large return), as scarcely, by comparison, to be worthy of notice in a capitalist's calculation. It is equally clear, that 100 acres, with the means, as regards labour, of cultivating it efficiently, would be more valuable both to the proprietor and to the society to which he belongs, than twice or three times the quantity of land, however cheaply purchased, or even obtained gratuitously, which a deficiency of labour would prevent him from clearing or bringing under tillage to any good purpose.

6. Regarding the matter in this point of view, and being deeply impressed both with the importance to Great Britain of the prompt and effectual colonization of New Zealand, and of the hopelessness of effecting that end if its progress be stinted by such an insufficient supply of labour as an emigration fund of 10 *s.* per acre will afford, I venture to submit to your Lordship that it is expedient that the uniform price of land in New Zealand should be raised from 1 *l.* to 2 *l.*, or at least to 30 *s.*; and that means should be simultaneously used to inform the public upon what grounds this step is taken, in order that the principle of combining land, capital, and labour in due proportions, as the necessary elements of a sound system, and of practical success in colonization, may be made as clear and familiar to the community in general, as it has already become to every reflecting mind that has given its attention to the subject.

7. I respectfully submit that the duty of enlightening the public mind upon this essential point properly devolves upon the Government, not only on account of its great national importance, but because the Government alone stands above all suspicion of having any selfish end to further in pointing out to emigrating capitalists the benefit of subscribing, as it were, through the medium of a comparatively high uniform price of land, to form a labour fund for the general benefit. At present there exists an ignorant prejudice in favour of cheap land, founded upon habits of thought formed exclusively in this country, where agricultural labour may be said to be always superabundant, and maintained by an equal ignorance that the purchaser of cheap land cannot retain labourers, carried out at his private cost, to cultivate it against competitors for their services, who not having paid the expense of their passage to the colony, can afford to outbid him. It is only when all land contributes equally for the importation of labour that all employers of labour stand on an equal footing in the market, and as this object can be effected only by the instrumentality of the Government, so the Government is best qualified, is, indeed, alone competent to secure general concurrence in a scheme of colonization based on these principles, by giving to all parties concerned its assurance of their soundness, and of its conviction that success is absolutely dependent

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dent upon their being consistently followed out. The Directors freely admit that experience alone can determine the precise amount of the rateable contribution which the purchasers of land ought to make to the labour fund; but they submit that, with reference to the circumstances of New Zealand, stated in the opening paragraphs of this letter, there is no need of experience to prove that the moiety of the present uniform price, which alone is now available for purposes of emigration, is altogether inadequate for that end.

8. Soliciting your Lordship's consideration of these remarks, which the invitation contained in Mr. Vernon Smith's letter under reply has emboldened the Directors of the New Zealand Company to offer,

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 12. —

No. 12.
R. Vernon Smith, Esq. to J. Somes, Esq. 16 Aug. 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 16 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, in which you submit the expediency of raising the uniform price of Crown land in New Zealand from 1 *l.* to 2 *l.*, or at least to 30 *s.* per acre.

In reply, Lord John Russell desires me to request that you will state whether it is the intention of the New Zealand Company to sell their land in that colony at 20 *s.*, 30 *s.* or at 40 *s.* per acre. His Lordship has no objection to raise the uniform price to 30 *s.*, and he would hereafter be prepared to adopt the plan of sale by auction. Should the revenues of New Zealand from customs and other sources prove sufficient to provide for the civil government of the colony, Lord John Russell would be glad to see a larger proportion than 50 per cent. of the land sales fund applied to emigration; but at present provision must be made from the land fund for expenses, which cannot fairly be borne by the people of these kingdoms.

I am, &c.

(signed) *R. Vernon Smith.*

— No. 13. —

No. 13.
J. Somes, Esq. to Lord John Russell. 29 July 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord, New Zealand House, 29 July 1841.

WITH reference to Mr. Vernon Smith's letter of the 28th May last, and its enclosures, I have the honour, on the behalf of the Directors of the New Zealand Company, to inform your Lordship that they are now ready to adduce proof of expenditure, in respect of which they are entitled to a further grant of land from the Crown, and to beg that Mr. Pennington may be requested to investigate the same and report to the Colonial Department.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 14. —

No. 14.
R. Vernon Smith, Esq. to J. Pennington, Esq. 16 August 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Pennington*, Esq.

Sir, Downing-street, 16 August 1841.

I AM directed by Lord John Russell to acquaint you that the Directors of the New Zealand Company have reported to his Lordship that they are ready to adduce proof of expenditure, in respect of which they are entitled to a further grant of land from the Crown; and I am to request that you will proceed to investigate the same, and that you will report the result to his Lordship.

I am, &c.

(signed) *R. Vernon Smith.*

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— No. 15 —

No. 15.
R. Vernon Smith, Esq. to J. Somes, Esq. 16 Aug. 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 16 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, and to acquaint you, in reply, that Mr. Pennington has been requested to investigate the proof of expenditure, in respect of which you state that the New Zealand Company are entitled to a further grant of land from the Crown, and to furnish a report on the same.

Lord John Russell concludes that this expenditure was incurred previously to the date of the arrangement entered into between Her Majesty's Government and the New Zealand Company.

I am, &c.

(signed) *R. Vernon Smith.*

— No. 16. —

No. 16.
J. Somes, Esq. to Lord John Russell. 29 July 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell.*

My Lord, New Zealand House, 29 July 1841.

IN acknowledging the receipt of Mr. Vernon Smith's letter of the 15th instant, with its enclosures, the Directors of the New Zealand Company perform a painful duty, no less to the best interests of New Zealand, than to the body which they represent, by respectfully drawing your Lordship's attention to the very unfavourable, not to say hostile view which Governor Hobson appears to take on all occasions of the proceedings of the Company, and of its agents and officers in New Zealand; and to the fact, that though, up to the date of the latest advices, his Excellency had been nearly a year in the colony, he had never visited in person, nor, as far as the Directors are aware, expressed, of late, any intention of visiting the settlement of Port Nicholson, where there is, undeniably, a larger, more wealthy, and more respectable assemblage of British subjects, than at any of the stations throughout the islands under his government, or even at all those stations united.

2. In proof of the correctness of the first allegation, I beg, on behalf of the Directors, to request your Lordship to advert to the concluding paragraphs of Governor Hobson's despatch of the 25th May 1840, to the last paragraph but two of his despatch of the 15th October last, and to the serious, but most unfounded charges conveyed by his despatch of the 10th November last, upon which I had the honour to report to your Lordship, under date the 19th April last.

Vide Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, pp. 15. 113. 126. & 128.

3. The tenor of the last-cited despatch affords conclusive proof of the practical mischief which has resulted from the Governor's remaining stationary in one portion of the extensive and important territory committed to his charge, and in exclusive communication with parties who must necessarily, however honest their intentions, have a bias in favour of that part of New Zealand in which their own property is invested, and a proportionate interest in depreciating the settlement formed by the Company. On the 25th May Governor Hobson stated to your Lordship, that he hoped "to visit Port Nicholson early in the spring (October);" not having carried this intention into effect, he was led, in November, to give the weight of his official report to the erroneous representations of others, totally at variance with the opinion in respect to the eligibility of Port Nicholson expressed to your Lordship by Governor Sir George Gipps, in his despatch of the 6th October last; and as late as the intelligence from New Zealand extends, Governor Hobson had not afforded himself the opportunity of ascertaining, by personal observation, the capabilities of the Company's settlement, or the attractions which it really holds out to colonists, as compared with those possessed by the settlements to the northward.

4. With respect to the immediate subject of the correspondence, to copies of which Mr. Vernon Smith's letter under acknowledgment gave cover, the Directors submit that if their officers erred in the matter which his Excellency Captain

tain Hobson reported to Sir George Gipps, it would have been more consistent with the mild spirit of Her Majesty's Government, and with its disposition to encourage all honourable enterprise, if the Governor had pointed out the error which, in his judgment, they had committed, to the parties concerned, and had required them to revoke the measures objected to, before he denounced them to Sir George Gipps, and took, under his orders, (as it seems likely that he has taken,) the strong step of proclaiming, through the police magistrate, that the acts of the Company's agent were unauthorised and invalid. The Directors are confidently persuaded, from the respectful and deferential manner in which their principal agent in New Zealand has uniformly conducted himself towards the Governor of that colony, that he would have implicitly and instantly obeyed any orders which Captain Hobson might have addressed to him on the subject of the lands at Wanganui and Taranaké, stated to have been improperly lotted out for selection. If Governor Hobson had corrected in that manner the mistake alleged to have been made, not only would time have been saved and the settlers of Port Nicholson relieved from much disappointment, which must have resulted from the length of the period during which they were permitted to remain under the impression that they were to obtain land at the places above named, but the officers of the Company would have been spared the unnecessary mortification of having their proceedings cancelled in the peremptory, not to say harsh, manner directed by Sir George Gipps, to the unavoidable detraction from that influence and respect, the enjoyment of which by the representatives of the founders of an infant settlement is so essential to its well-being.

5. The Directors of the New Zealand Company respectfully bring these matters to your Lordship's notice, in the hope that such steps as your Lordship may deem proper to be taken to relieve the Company from the great disadvantage of labouring under the unfavourable opinion of the local Government of the colony in which their operations are carried on, and to afford to the settlement of Port Nicholson the benefit of the personal cognizance of the labours of its enterprising inhabitants, of their loyalty, public spirit, and large contributions to the general wealth and prosperity of New Zealand, by Her Majesty's representative.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 17. —

No. 17.
R. Vernon Smith, Esq. to J. Somes, Esq. 19 Aug. 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 19 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, in which you complain of the unfavourable view which Governor Hobson appears to take on all occasions of the proceedings of the New Zealand Company, and of its agents and officers in the colony. His Lordship desires me to acquaint you, in reply, that the friendly relations which it is so important to maintain between the Governor of New Zealand and the Company's agents, would, in his opinion, be rather impeded than advanced, by making the subject of correspondence and admonition those misunderstandings which may unfortunately have arisen while the parties were in ignorance of the negotiations which passed between the Company and Her Majesty's Government at the close of the last year.

I am, &c.

(signed) *R. Vernon Smith.*

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No. 18.
J. Somes, Esq. to Lord John Russell, 17 August 1841.

— No. 18. —

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell*.

My Lord, New Zealand House, 17 August 1841.

IN continuation of paragraph 4 of my letter of the 29th ultimo, I have the honour to lay before your Lordship the accompanying copy of a letter addressed by the Company's principal agent in New Zealand to Governor Sir George Gipps, under date the 12th February last, relative to the prohibitory notice issued by his Excellency in regard to the occupation of lands in Wanganui and Taranaké by purchasers from the New Zealand Company.

2. The Directors trust that the tone and temper of that letter (of which they have just received a copy by the Brougham) will completely bear out, in your Lordship's judgment, their representation of the respectful and submissive course which their agent would certainly have pursued if he had been called upon, in a manner more mild and consistent with the nature of the functions which his anomalous position have imposed upon him, to withdraw the notice relative to the allotment for selection of the lands in question with which Captain Hobson found fault; and will therefore afford further demonstration of the needlessness of proceeding against the representative of the Company so disposed, in the peremptory and harsh manner of which the Directors respectfully complain, as calculated to detract gratuitously from their officer's influence, and consequent usefulness.

I have, &c.
(signed) *Joseph Somes*.

Enclosure in No. 18.

Sir, Wellington, 12 February 1841.

I BEG leave to call your attention to a recent notice, published by command of his Excellency Sir George Gipps, referring to an advertisement issued by the surveyor-general of the New Zealand Company respecting Wanganui and Taranaké, in this island, and prohibitory of purchasers of land from the Company settling in those districts.

As the representative of the Company in New Zealand, I have to request you to assure his Excellency of my desire to comply most strictly with the law enacted by the local Government regarding land in these islands, and to submit the following explanation of the circumstances attending the surveyor's advertisement, and the location of settlers in the above-mentioned districts.

Prior to the return hither of the deputation from the settlers to his Excellency, and to the grateful acceptance of his recognition of their titles to 110,000 acres in this district, upon condition of their taking them in one continuous block, it had been my intention to permit a selection, according to the conditions of the Company's sales, over the whole of the first and principal settlement, which would have included the Company's possessions on the north side of Cook's Strait.

It was with this view that the advertisement was issued; but so soon as I became aware of his Excellency's decision, I ordered the notice to be discontinued, and took steps to fulfil the conditions upon which the recognition of the titles of the first purchasers depended.

In the meantime sales of land by the Company beyond the 110,000 acres continued at home, and every vessel brought out fresh settlers, expecting to be put in possession of their purchases.

Presuming from the favourable countenance shown by his Excellency to the first settlers, who had embarked their capital and brought their families to share in the work of colonizing New Zealand, that an equal protection would be afforded to all comers; and, from the language of the deputation, that no objection would exist on the part of the Governor to the Company opening other districts, subject to the conditions of reference to the Land Commission, taking the land in blocks, in opposition to that plan of selection tantamount to the system of special surveys, and liability to a certain expenditure equivalent to purchase-money paid to Government, I authorised a survey of the districts of Wanganui and Taranaké, and the location of settlers arriving from England therein.

It remains for me, therefore, to submit to his Excellency my desire, on the part of the Company, to open the land for selection at Wanganui and Taranaké, according to the terms prescribed in the instance of the district of Port Nicholson; and to express a sanguine hope that, considering the claims upon his consideration of a well-disposed body of emigrants already arrived and increasing every month within his jurisdiction, they may be afforded the same rights and privileges as have been accorded to their precursors.

I will not further trespass upon your time by urging the claims of the New Zealand Company to an exemption from the regulations adopted towards other claimants of land, in consideration

consideration of its expenditure of 75 per cent. of the proceeds of its sales in emigration, of the great cost of the surveys, of its immigration establishment here, of its vessels placed at the orders of the Government, and used for the maintenance of law and support of the Queen's Government in Cook's Strait ; from a conviction that his Excellency is well aware of these facts, and how doubtful it is whether any profit can ever accrue to the Company under the liberal system its Court of Directors has adopted for the colonization of its possessions.

I have, &c.
(signed) *W. Wakefield.*

The Honourable the Colonial Secretary,
&c. &c. &c.
New South Wales.

(True copy.)
(signed) *Joseph Somes.*

— No. 19. —

No. 19.
R. Vernon Smith, Esq. to J. Somes, Esq. 27 Aug. 1841.

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 27 August 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 17th instant, enclosing copy of one addressed by the principal agent of the New Zealand Company to the Governor of New South Wales relative to the prohibitory notice issued by Sir George Gipps in regard to the occupation of certain lands by purchasers from the Company. His Lordship desires me to state, with reference to the observations which he addressed to the Company on the 19th instant on the subject of the misunderstanding between the Governor of New Zealand and the Company's agents, that in his Lordship's opinion Colonel Wakefield's letter deserves the praise of temperance which the New Zealand Company claim for it.

I am, &c.
(signed) *R. Vernon Smith.*

— No. 20. —

No. 20.
J. Somes, Esq. to Lord John Russell, 20 August 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *John Russell.*

My Lord, New Zealand House, 20 August 1841.

I HAVE the the honour to acknowledge the receipt of Mr. Vernon Smith's letter of the 16th instant, and in reply to your Lordship's request that I will state whether it is the intention of the New Zealand Company to sell their land in that colony at 20 *s.*, 30 *s.* or at 40 *s.* per acre, to submit the pledge of the Directors that they will never sell any land cheaper than the uniform price fixed by the Crown for the time being. The Company are selling no land at present in this country for less than 30 *s.* per acre ; and they have directed their principal agent in New Zealand on no account to allow the upset price on land offered by the Company for sale by auction to be lower than the uniform price of Government for the time being.

The Directors take this opportunity of submitting, with reference to the latter part of Mr. Vernon Smith's letter under reply, that they were totally unprepared for the communication made to them by the last paragraph of that gentleman's letter of the 4th June last. They had certainly concluded from the tenor of clause 4 of head III. of the draft of an arrangement between Her Majesty's Government and the New Zealand Company, that it was intended that for a considerable term, at least, the whole of the money paid by the Company for the purchase of land in New Zealand, would be laid out in the removal of emigrants to that country; and under that persuasion, they supposed that the last paragraph of Mr. Vernon Smith's letter of the 2d December last related exclusively to purchases by private individuals. The Directors believed that the phrase "for the present," with which the clause above cited commenced, was introduced for the sole purpose of protecting the Government from the embarrassment of an absolute and unlimited pledge, in the event of experience proving that it would be indispensable to appropriate

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a part of the sums which might be paid by the Company for land to purposes other than those of emigration. But it was not supposed that such a contingency could arise for some years, nor at any time, unless circumstances should clearly be such as to show that the system established under the arrangement referred to positively required modification; and on the faith of this understanding the Directors addressed to their principal agent in New Zealand detailed instructions, under date the 26th April last, for his guidance in the disposal of the Company's lands, from which the passages quoted on the margin are extracts. These passages, which are in entire accordance with the spirit of the whole despatch (of which I have the honour to enclose a printed copy), demonstrate that the Directors did not entertain the smallest anticipation of any immediate or early change of the system, which, as they conceived, had been established by the arrangement which settled the relations of the Company with the Government, and upon which system, consequently, they have founded (as their despatch of 26th April last will show) the whole of their own system of sales. It would now seem that those relations have been altered, with a suddenness precluding the possibility of testing the soundness of the system, which has thus been superseded before it came into actual operation. For the change is announced in the letter accepting the first tender made by the Company for the purchase of land, and for paying for the same by carrying out emigrants; and this change will necessarily compel the Company to supersede their own plan of sales, even before that plan has come into actual operation, though it has been announced to the public, and the faith of the Company is pledged for carrying it into effect.

"Whatever may be the amount of emigration outlay in respect of lands already the property of the Company, that sum, paid from time to time in emigration conducted by the Company, under the superintendence of Government, will constitute in effect the purchase-money of more land for the Company, which again may be resold with a similar provision for emigration. This second emigration will again purchase more land, and so on continually, until it shall no longer be expedient for the Government or the Company that more labourers should be conveyed to New Zealand."—Paragraph 6.

"The Crown has adopted the principles, first, of an uniform price, and secondly, so far as regards payment by the Company, of the employment of the whole of the proceeds of sales in emigration."—Paragraph 8.

The Directors earnestly request your Lordship's reconsideration of a matter so vitally essential to the interests of the Company, and the progress of colonization in New Zealand.

In conclusion, the Directors beg to represent that, for the reasons stated in my letter of the 29th ultimo, and which therefore they will not reiterate, they consider it very desirable that the uniform price of land should be fixed at 40 *s.* rather than at 30 *s.* per acre.

I have, &c.

(signed) *Joseph Somes*, Governor.

Enclosure in No. 20.

New Zealand House, Broad-street-buildings,
26 April 1841.

Sir,

Encl. in No. 20.

1. By desire of the Court of Directors, I enclose for your information a copy of the award made by Mr. Pennington of the sums in respect of which it has been arranged by Her Majesty's Government that the Company shall receive grants of land from the Crown at the rate of 5 *s.* per acre.

2. You will observe that this award, while it embraces the Company's past expenditure and liabilities for colonization, so far as the amount can at present be ascertained, recognises claims on the score of unascertained expenditure, and also under the head of liabilities, by which the quantity of land to be granted to the Company without further payment must be greatly increased.

3. In estimating the quantity of land thus placed at the Company's immediate disposal, it is necessary to deduct the whole of that which the Company has engaged to deliver to purchasers, either by special contract or under published regulations. I enclose a statement of the quantity coming under this last description.

4. The remainder, amounting at least, in so far as the award is at present final, to 800,000 acres, constitutes a property which cannot be estimated in ultimate money value, according to the lowest price at which the Crown has determined to sell public lands in New Zealand, at less than 1 *l.* per acre, or 800,000 *l.* This sum the Directors feel satisfied that it would be in their power to realize in the course of time by gradual sales, and without further contributions by the Company in respect of these lands to the emigration of people. Still less can there be any doubt that, inasmuch as these lands are granted to the Company on the score of past expenditure for colonizing purposes, the Company would be justified in dividing the whole of the proceeds of such gradual sales among the shareholders. But there

there is a far more important question than the legal and moral right of the Company to sell these lands for the immediate and exclusive benefit of the shareholders, for the mere purpose, that is, of replacing with profit the capital which has been laid out in acquiring the lands; and this question is, whether it would be politic, with a view to the ultimate advantage of the shareholders, to adopt such a course. The Court are decidedly of opinion that it would not. I am desired to state their reasons for this conclusion.

5. By the charter which it has pleased Her Majesty to grant to the shareholders, they are incorporated; extensive powers are bestowed upon them as a Company, and they are required to increase their capital very largely, for the purpose of becoming the principal instrument of the State in the colonization of New Zealand. If the object of this charter should be fulfilled, the operations of the Company will not be confined to the disposal of lands acquired by means of past expenditure and liabilities, but will extend to further purchases from the Crown, to the conduct of emigration in proportion to such further purchases, and to the formation of settlements in whatever part of the islands natural circumstances may hold out the prospect of gain by such undertakings. The Directors, therefore, feel it incumbent on them to consult, not merely the present advantage of the shareholders, but also their future interest, which, with good management, will be in proportion to the magnitude of the Company's future proceedings. As the Company has future objects of such importance in view, the Directors think that it would be a narrow and short-sighted policy on their part to dispose of the Company's present property in land for the mere purpose of putting money immediately into the pockets of the shareholders. It appears to them of essential importance to the greatest prosperity of the Company in the long-run, that in the disposal of every acre of land that may come into its possession, the principle of colonization on which the Company was founded, and to which it has thus far faithfully adhered, should be as strictly observed as if there were a legal obligation to that effect. If the Directors were now to sell any land for a less price than that which is required by the Crown, or without providing emigration in proportion to the land sold, that principle of colonization would be set at naught. Evils of various kinds could not but ensue. The Crown would be undersold in the land market, and Her Majesty's Government would have just cause to repent of the liberal arrangement that has been made with the Company. Emigration not being supplied in proportion to private property in land, labour would be more scarce; and not only would the colonists generally have reason to complain of a public injury, but those who had before bought land of the Company, and whose purchase-money had furnished the means of emigration in proportion to the extent of that land, would be seriously damaged by finding the labour which they had imported taken away from them by other buyers from the Company, who had not provided for any emigration. The first purchasers would almost have a right to complain of bad faith on the part of the Company, which has always held out the prospect that not less than 15*s.* per acre would be devoted to emigration. In this way the prosperity of the settlers would be checked, and the Company's character for public spirit and faithful adherence to its engagements would be damaged. In the end, the shareholders would be the greatest sufferers. The Directors have resolved accordingly, that unless some great change should take place in the position of the Company, such as appears altogether improbable, none of the land acquired by means of past expenditure shall be sold for less than the general minimum price of Crown lands, namely, 20*s.* per acre, and that not less than 15*s.* per acre of the proceeds of sale shall, as heretofore, be devoted to emigration.

6. The Directors are moreover satisfied that in thus providing against injury to the settlers and to the character of the Company, they make no sacrifice of the merely pecuniary interest of the shareholders. Whatever may be the amount of emigration outlay in respect of lands already the property of the Company, that sum, paid from time to time in emigration conducted by the Company under the superintendence of Government, will constitute in effect the purchase-money of more land for the Company, which again may be resold with a similar provision for emigration. This second emigration will again purchase more land, and so on continually, until it shall no longer be expedient either for the Government or the Company that more labourers should be conveyed to New Zealand; when the proceeds of the sale of all lands remaining to the Company will fall to the shareholders in the shape of profits and replaced capital. This view of the course of operations is illustrated by the plan of the second colony. Supposing the lands forming this second settlement to be taken from those acquired by past expenditure, their sale would nevertheless provide a fund for emigration amounting to 150,000*l.*; and this sum, according to Lord John Russell's arrangement with the Company, will constitute the purchase-money of other lands. Those other lands being treated in the same way, care always being taken that the expenditure for emigration shall not be less per acre than the price paid to the Crown for lands, the colonizing operations of the Company might proceed without the employment of any further capital. It is not, however, intended by the Court, as you will see presently, to make arrangements for sparing the use of the Company's capital in colonization: I am desired to show how it might be spared, only for the purpose of explaining that it will be rather advantageous than injurious to the holders of the Company's stock to make the sale of the lands granted to the Company in respect to past expenditure provide for emigration at the same rate per acre as the purchase of other lands from the Crown.

7. Thus far it has been supposed that the price at which the lands obtained by grant should be sold might not exceed 20*s.* per acre, 15*s.* per acre benig devoted to emigration,

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and 5*s.* per acre reserved for the Company's expenses and profits; but the Directors are of opinion that a much higher price may be obtained, and with advantage to all the parties concerned. Here again I must state their views at some length.

8. When this Company and its plan of dealing with lands were formed, the functions which it undertook were, in so great a measure, those which belong to the Government, that the Directors naturally adopted that principle in the disposal of lands, which appears the most suitable for merely public objects. Reserving of necessity some portion of the proceeds of land sales, to cover the expenses of the Company and provide interest for its capital, they determined to sell all lands at an uniform price per acre, and to devote to emigration three-fourths of the proceeds of sales. The position of the Company is now entirely changed, being that of a land company or individual having purchased and intending to purchase from the Crown. The Crown has adopted the principles, first, of an uniform price, and secondly, so far as regards payment by the Company, of the employment of the whole of the proceeds of sales in emigration. As respects all purchases by the Company from the Crown, the plan of an uniform price, and of providing for emigration in proportion to the land sold, will be followed. As a buyer of land, the Company is obliged to pursue the course which was at first marked out for it as a seller. But this grand point being secured, the Company is now, as a seller, at liberty to obtain for its land the highest price that others may be willing to pay. The sales will henceforth (with the exception as to emigration to which I have before adverted, and which arises from the great extent of land at the disposal of the Company) be like those of any individual who has purchased from the Crown. In order, like other private sellers of land, to take advantage of competition, the plan of an uniform price must be abandoned in favour of sales by auction, with ample notice. This is the method of proceeding on which the Directors have resolved.

9. The change of plan involves many other alterations in the course of the Company's operations. In order that auction sales should produce competition, it is absolutely necessary that the quantity of land put up for sale at any one time and place, should not exceed the demand at that place and time. In the case of a Government possessing the whole of the waste lands of a new country, the price at which land would sell by auction would depend entirely (within the limits of a maximum beyond which it would be worth nobody's while to buy) on the quantity from time to time laid open to purchasers; but this absolute power over the selling price is not possessed by a Company re-selling what has been purchased from the Government at an uniform price. In the latter case, by too much limiting the quantity, purchasers would be driven away from the Company's settlements, to buy from the Government at the uniform price. For the general purposes of the Company a medium should be observed in the extent of land brought to sale, neither, on the one hand, offering so much as would scarcely allow of competition, nor on the other, restricting the quantity so as to discourage purchasers. Unceasing attention to this principle is a new duty imposed on the Company's agents in the colony by the determination of the Court to sell by auction. Another consequence of this resolution is, that sales can no longer be accomplished in this country, and still less sales of unspecified lands, as may be easily managed with an uniform price when priority of choice is determined by lot. Money may indeed be received here on account of future purchases by auction, and the person paying this money on account may become entitled to nominate his own labourers, if properly selected, for a free passage out of the Company's emigration fund; but further than this all payments for land must take place on the spot. This at least must be the rule, allowing for exceptional cases, in which the Company should resolve, in order to form a new settlement, to sell a tract of land at some uniform price per acre, with a lottery for priority of choice, as in the case of the first and second colonies, in which the purchasers from the Company reap all the advantage of future competition for the land acquired by them. It follows that a large proportion of the payments for land will take place in the colony. The arrangements consequent on this new responsibility of the Company's colonial servants will be particularized further on.

10. In the next place, it is a consequence of adopting the plan of sale on the spot by auction, that lands of various qualities with respect to fertility of position should be offered for sale at various upset prices. The determination of these various upset prices is another new duty imposed on the Company's colonial agents. But there are some rules and some prices which may be laid down by the Directors for their guidance. Under no circumstances should any land be offered for sale at a lower upset price than the uniform price required by the Government for new land; and it may be presumed that in most cases, bearing in mind the engagements of the Company with respect to emigration to the land sold, that the upset price of even ordinary lands, supposing always that the quantity offered for sale was not excessive, might exceed the uniform price of the Government. As respects much land the upset price might be considerably higher. Wherever peculiar advantages of situation and the course of settlement indicated that a town or village might be established, or even where there was likely to arise a more than ordinary competition for land for the purposes of agriculture, it would be right to fix the highest upset price that would not be so high as to defeat the object of the sale. Town and suburban allotments might often be put up at prices varying according to situation and quality, from ten to several hundred pounds per acre. And lastly, it is indispensable that notice by advertisement should be given of all sales, allowing time for intending purchasers to reach the spot by the day of sale; and that as respects the more important sales, such as the sites of towns, or any rural land enjoying peculiar advantages, the advertisement of sale should be extended to the neighbouring colonies of Australia.

11. The Court have not lost sight of two other effects of substituting the plan of sale in the

the colony to that hitherto pursued of selling here. Hitherto the purchase-monies received by the Company have been advanced by the buyer, in anticipation of obtaining a conveyance as soon as the survey should be completed; and thus the Company was, irrespectively of its capital, provided beforehand, as it were, with funds for emigration. According to the present system, only specific portions of land will be sold, which involves the necessity of surveying before the sale; and no emigration fund will accrue from the sale of land until delivery of the land itself to the purchaser.

12. In order to meet the first of these changes, it will be more than ever necessary that the surveys should be kept in advance of the demand for land. You will have observed that by the arrangement with Her Majesty's Government and Mr. Pennington's award, it has been settled that the cost of surveys in respect of land sold down to the 31st of December last, shall be repaid to the Company in the shape of land, at the rate of 5 *s.* per acre; and that in respect of outlay for the survey of other lands, the Company (subject to a certain mode of arbitration for determining the amount) shall receive land from the Crown at the rate from time to time of the actual price of Crown lands. In the end, therefore, the Company will recover the whole cost of surveying, provided, that is, care be taken to keep down the expense to such a rate per acre as shall be deemed reasonable by the arbitrators. The Court wishes to draw your especial attention to the condition on which the expense of surveying will be repaid to the Company. It is of the last importance that the Company should adopt the cheapest mode of surveying not inconsistent with accuracy or despatch. Supposing that the surveys will be thus carried on, there appears no more legitimate mode of investing the Company's capital; since, in the case supposed, the whole outlay will be virtually the purchase-money of new land. The arrangement made by Lord John Russell appears equally advantageous to the Company, which never could have ultimately borne the expense of surveying in detail, and to the Government, which is thus enabled to promote the rapid colonization of New Zealand by means of advances of the Company's funds for the purpose of surveying.

13. The increase of the Company's capital, which has been required by the Government, provides against any evil from the second of the changes to which I have just before adverted. Although sales by anticipation in this country will no longer provide beforehand funds for emigration, there is no reason why the Company's emigration proceedings should wait for sales of land in the colony. When Lord John Russell advised Her Majesty to confer important privileges upon the Company, he also obliged it to raise more capital for the implied, not to say express purpose of promoting emigration. If the Company were to have large powers, it was also enjoined to carry on operations on a large scale. It appears to have been an especial object with the Government that funds for emigration should be provided, even before much land should be sold. And there can be no doubt, that for the purpose of the Government, which is the rapid colonization of the islands, as well as for that of the Company as a body of shareholders, which is profit by the means of sale of land, it is most expedient that emigration to the Company's settlements should be steadily carried on by means of advances from the Company's capital in anticipation of land sales. If the land were offered for sale before the emigration in respect of it had taken place, competition for the land, and the price obtained by auction, would be far less than if the first step were to convey population to the land, and the second to offer the land for sale. By thus anticipating its sales of land, the Company may obtain a much higher price than has ever before been paid for waste lands in a new country. The high prices recently given for waste lands at the Government auction sales at Port Philip and Portland Bay were paid in anticipation of the arrival of people to give a real value to the land: if the people had arrived before the land was offered for sale, if a sum equal to a considerable portion of the purchase-money had been laid out beforehand in conveying population to those settlements, it is hardly to be doubted that still higher prices would have been realized. The calculation which shows the advantage of sending the emigrants first, and selling the land after their arrival, is extremely simple; it consists of a computation of the difference between interest on the sum employed beforehand for emigration, and the increase of price at the sales occasioned by the previous immigration. To all who have any practical acquaintance with this subject, the balance in favour of advances for emigration will appear very large. It is accordingly the intention of the Directors to employ the Company's capital in affording to its several settlements, according to the funds at the disposal of the Court, and the demand for labour at each place, a continuous supply of labouring emigrants, consisting, as far as possible, of young married couples.

14. I have said before, that the Court deems itself pledged, for the present at least, to devote not less than 15 *s.* per acre of the proceeds of land sales exclusively to emigration. This engagement settles, as respects the Company's lands, the minimum of the proportion in which every sale of land will conduce to emigration. But it appears to the Directors, on the reasonable supposition that an average price of several pounds per acre may be obtained for the Company's lands, that more than 15 *s.* per acre might be spent on emigration with advantage to the shareholders as well as to the colony. The interests of the colony, indeed, may be said to be identical with those of the shareholders. If the shareholders reap large profits, they will be disposed still further to augment the Company's capital, and to pursue colonizing operations on a still larger scale, which would, more than anything else, conduce to the advantage of the settlers: if the settlers should greatly prosper, the present active disposition of capitalists to settle in New Zealand will appear languid in comparison with

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the future; the Company's money will be turned in less time; and higher prices will be obtained for its land. Now it appears to the Court, that the prosperity of New Zealand, as a colony, depends on the proportion per acre in which the appropriation of land as private property shall conduce to emigration; and, secondly, that the uniform price of 20 *s.* per acre at present required by the Crown, is too low for a due proportion between land sales and the immigration of people. The evil to be feared from this low price of public land is a scarcity of labouring hands. The lowness of price operates in this direction by two different processes; in the first place, it enables emigrant labourers to buy land and set up for themselves very soon after their arrival, so that the amount of labour in the market is diminished before an adequate supply of fresh hands has been procured by immigration; secondly, the means of paying for immigration in proportion to land are small according to the lowness of the price. By the one process, the number of hands brought into the settlement is too small; by the other, those hands cease too soon to work for hire. The result is a scarcity of labour, than which there can be nothing more disadvantageous to all classes of the people in a new colony. The means of obviating this evil are so completely within the reach of Government, that it is to be hoped they will be ere long adopted. A perfect security for an adequate supply of labour would be at once afforded if the Government should either determine to sell all the public lands by auction, limiting the quantity offered for sale so as to make sure of high prices through competition, or if the uniform price of public lands should be raised sufficiently for the end in view. It is to be hoped that as this subject becomes better understood, the Government will provide, by one or other of these means, against a scarcity of labour in New Zealand. The Directors have supposed that it will, meanwhile, be in the power of the Company to secure an adequate supply of labour for its own settlements. Supposing the plan of sale by auction to produce an average price considerably above 20 *s.* per acre, (and of this there can be no reasonable doubt if the lands are well selected and judiciously brought to sale,) the Company's emigration fund may be advantageously increased. The amount of the increase must of course depend on the Company's receipts, and it is therefore impossible to name any rate per acre. Nor would it be convenient to determine now any per-centage on the whole proceeds of sale. The per-centage already fixed as to the minimum price of 20 *s.* would be too high if applied to the whole receipts; and a far lower per-centage on the whole receipts might give a larger emigration fund than 75 per cent. on the minimum. If competition should operate as is expected, 30 per cent. on the whole receipts may produce more than 75 per cent. on the upset price, and a greater emigration fund per acre. The confident hope of the Directors is, that at all events the prices obtained will be such as to afford very large profits to the shareholders, and a larger rate of emigration fund than 15 *s.* per acre.

15. It would not be possible, nor is it requisite, to describe very particularly on this occasion the arrangements contemplated by the Directors for placing in safe custody the large sums of money that will henceforth be received in the colony. The principle of such arrangements may, however, be mentioned here. The Union Bank of Australia affords a great facility to this Company, as respects the safe keeping of its colonial funds. The Directors understand that a branch of this bank will be established at each of the Company's settlements, as soon as the number of people there shall be such as to give assurance of profit from banking operations; and they propose to make an arrangement with the Directors of the bank here, by which the purchase-money of the Company's lands may be paid into the colonial banks. Supposing an intending purchaser to pay any given sum into the bank on account of the Company, a written acknowledgment of its receipt by the bank would be taken as money at the Company's sales; or if the intending buyer should change his mind, he would re-appropriate his deposit by returning the acknowledgment of receipt. You may expect to hear by an early occasion that an arrangement of this character has been completed in detail.

16. The Directors are happy to acquaint you that the sale of lands here for the second settlement has been highly satisfactory. Even before the departure of the preliminary expedition the deposit has been paid on 300 out of the 1,000 allotments, and by parties of whose ability and intention to complete the purchase there is no doubt whatever. The number and respectability of the persons who already contemplate emigrating to Nelson in the autumn, gives the Directors an assurance that the second colony will even surpass the first in importance as a body of settlers. Your instructions with respect to the selection of the site of the Nelson settlement will be transmitted to you in a separate despatch.

17. But it is desirable to mention here a determination of the Court, which may give you some employment with respect to the Nelson settlement, even before the site shall be chosen. The Directors have received information from New South Wales, as well as New Zealand, which induces them to think that some portion of the preliminary lands in the first settlement ought to have been reserved for sale to parties residing in and in the neighbourhood of New Zealand. The settlement which has since taken place at Port Nicholson adds to the number of persons who might be apt to feel annoyed at not being allowed an opportunity of participating in the purchase of preliminary lands in a new settlement, where the value of land is almost sure to increase with great rapidity. But this sentiment of ill-will towards the Company, and jealousy towards the purchasers of its preliminary lands, may be easily averted. In order that many at least of the settlers in New Zealand and the neighbouring colonies, who may be disposed to take an interest in the Nelson settlement, should be enabled to accomplish their wishes on equal terms with purchasers in England,

England, the Court places at your disposal, for sale in New Zealand, 200 of the 1,000 allotments. The plan on which you must dispose of them is fully described by the following advertisement, which you will insert in the newspapers published in New Zealand, and which the Directors will transmit to New South Wales, Van Diemen's Land, Port Philip, and South Australia, for insertion in the local newspapers of each colony:

"The Court of Directors of the New Zealand Company hereby give notice, that they have reserved for sale to persons resident in New Zealand or the Australasian colonies, 200 of the 1,000 allotments mentioned in the printed 'Terms for Purchase of Lands,' in the Company's second settlement, bearing date New Zealand House, 15th February 1841, copies of which may be obtained from Messrs. —— & Co. of this town.

"These 200 allotments have been entered in the registry of applications, under the numbers 401 to 600, both inclusive; and the rights of choice in respect of the said numbers will be determined by lot in England, as in the case of all the other allotments.

"Intending purchasers of these allotments must deposit the whole purchase-money (300 *l.* for each) into any of the local branches of the Union Bank of Australia; and on presenting or transmitting to the Company's acting principal agent in New Zealand, at Port Nicholson, an acknowledgment of the receipt of such deposit by the bank, the depositor or his agent will receive from the Company's said principal agent a written declaration of the number in the registry of applications awarded to such depositor, with an undertaking to deliver the sections which such depositor or his agent may select in respect of the right of choice falling by lot to such number in the registry.

"The numbers in the registry will be awarded strictly in the order of the presentation of such deposit receipts to the Company's said principal agent.

"In case deposits should be made for a greater number of allotments than the 200 placed at the disposal of the Company's agent in New Zealand, the deposit receipts in respect of any such extra allotments will not be accepted, and the whole amount of the deposit will be returned to the depositor, with interest at the current rate of interest on deposits allowed by the Union Bank of Australia.

"No deposit receipts will be accepted after the Company's principal agent in New Zealand shall have learned that the drawing of lots for priority of choice has taken place in England.

"It is expressly stipulated, that all deposits and applications shall be made subject to such regulations as have been, or may hereafter be, made by the Company for the disposal and final delivery of preliminary lands in the second settlement.

"By order of the Court,

"New Zealand House, London,
"22 April 1841."

"*F. Dillon Bell*, Secretary pro tem."

18. The printed "Terms of Purchase," together with the above notice, sufficiently explains the course of proceeding under the determination of the Court to set apart these 200 allotments for local sale. It is necessary, however, to direct your attention to that part of the notice which declares that deposit receipts will not be accepted after the Company's principal agent in New Zealand shall have learned that the rights of priority of choice have been determined here. The drawing of lots for priority of choice will probably not take place till the month of July, or even August. At the moment, however, when the Company's agents in New Zealand shall learn, either by despatch from the Court or otherwise, that the lots have been drawn, it will be indispensable to put a stop to the acceptance of deposit receipts. If any numbers should not at that time have been applied for, the allotments in respect of them will remain the property of the Company, and will be disposed of hereafter in the same way as the 100 allotments originally reserved for the Company by the printed terms of purchase. You will perceive that this precaution is required, in order to prevent any selection of numbers by collusion among applicants having a knowledge of the rights of choice determined to particular numbers by lot in England. It at once imposes a heavy responsibility on yourself, and evinces the confidence of the Court in your watchfulness and probity.

19. You have been already made aware of the intention of the Directors to submit to the shareholders a proposition for the union of the Plymouth Company of New Zealand with this Company. The Directors have no doubt that their suggestions in this respect will be adopted in a few days. Except as regards mere forms, therefore, they already consider the settlement of New Plymouth, and all the arrangements for the disposal of land there, and for the conveyance of emigrants thither, to be under the management of this Company. With these views they have been desirous of appointing a gentleman to act as the agent of the Company at New Plymouth, under your general direction; and they have selected for this purpose Captain Liardet, of the Navy, a very distinguished officer, who appears to them to possess in an eminent degree the qualities required for such an office. Captain Liardet will take his passage to New Zealand in the Whitby. It is deemed of importance that, before proceeding to his post, he should have constant opportunities of intercourse with his

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friend Captain Wakefield, from whose long and familiar acquaintance with the subject of colonizing New Zealand, it is hoped that he may obtain valuable information for his future guidance. It is not in the power of the Directors, before the junction of the Companies, to make out Captain Liardet's appointment in due form; but they have no doubt of being able to forward it by the next vessel proceeding to New Zealand. He is so good as to undertake the voyage, trusting to them that his formal appointment will follow as soon as possible.

20. It is the particular desire of the Court that the harbour on the shore of which New Plymouth may be built should be called Port Eliot, which is the name of a residence of Lord St. Germans in Cornwall. The Directors wish that the compliment to Lord Eliot were as adequate to the debt of gratitude which all the settlers in British New Zealand, no less than this Company, owe to his Lordship, as the name is suitable to that harbour which is destined to be the chief port of arrival for emigrants from the West of England.

21. The more intimate union of the shareholders in the Plymouth Company with those of this Company, and the arrival of the preliminary expedition of the second colony, will presently impose upon the Company's servants in New Zealand more extensive, though certainly not more arduous duties, than those which you have hitherto performed with equal credit to yourself, and advantage to the Company and the settlers at Port Nicholson. Three distinct settlements will soon claim your watchful superintendence, to the extent of the Company's functions in each place. It is desired that, under all circumstances, Wellington should be your permanent residence; for the Directors continue to entertain no doubt that this town will be the metropolis of New Zealand, as respects population, commerce, and wealth, let the seat of government be where it may. But besides the duties which you will continue to perform at and in respect of the Wellington settlement, and which will belong to Captain Wakefield at Nelson, and to Captain Liardet at New Plymouth, you will have to exercise a general authority over those officers, and will be exclusively charged, for the present at least, with the conduct of matters of a general character. The Directors may hereafter think it desirable to establish a board or council, consisting of the Company's principal officers, for the management of its affairs in the colony; but in the infancy of the settlements they very much prefer a single authority and responsibility in each place, and a general authority at the principal settlement, to which the officers of each of the other settlements shall be responsible, and which shall itself be singly responsible to the Court. Captains Wakefield and Liardet therefore will make reports to you for the information of the Directors, and will receive through you their instructions from the Court. It will, however, be their duty to transmit to the Court by every opportunity of direct communication, copies of reports sent, or intended to be sent to you. They will also be held bound to obey any instructions emanating from yourself. Your own experience of the advantage of being allowed the free and prompt exercise of individual judgment, in a course of duties subject to the disturbance of unforeseen accidents and emergencies, renders it almost needless for the Court to suggest that your instructions to the Company's principal officers at Nelson and New Plymouth should be of the most general kind, if not confined to statements of objects and principles. Any officer thoroughly informed so far would be unfit for his trust, if he could not supply decisions as to the best means of execution. Indeed, success in enterprises of this sort depends in so great a measure on personal character, that it is better to confide over-much than too little in individual conduct. But the doctrine holds good only in cases where the subordinate officer has been selected exclusively on account of his personal qualities. The Directors are satisfied that it will not mislead you in the present instance.

22. In the despatch transmitted to you on this occasion, on the subject of the selection of lands to be granted in respect of Mr. Pennington's award, the Court has sufficiently expressed its conviction, that justice and policy equally require that the best assistance of the Company should be extended to all the settlements without partiality or distinction. At the same time, it appears to the Directors that the Company is under positive obligations to the settlers at Port Nicholson to endeavour, by all the means in its power, to confer upon their settlement the character of the commercial metropolis of New Zealand. This is the least that the Company, after all its promises and engagements, can do for the men to whose courage and patience and admirable discretion the British colonization of New Zealand is chiefly to be attributed. And surely the performance of this duty should lead the settlers at Nelson and New Plymouth rather to rely on the Company's fairness and attention to their interests, than to imagine that these will ever be unjustly set aside or in any way neglected.

23. These are not merely speculative promises. The approaching increase of the Company's capital will, as I have said before, supply ample means for general emigration, until large funds shall accrue from the sale of land. But the Court reckons on possessing besides the means of serving the colonists in other ways. The position in which the Company is placed by the success of its first enterprise, by the arrangement with Her Majesty's Government, by the nature of the charter, and by the regulations of the Government with respect to the general colonization of New Zealand, is so very favourable, and the prospect of gain from the future operations of the Company is so good, on the lowest calculation of probable results, that the Court feels justified in assuming that it will be in the power of the Company to promote the prosperity of the settlers by the outlay of funds for other purposes than surveying and emigration. The charter of incorporation empowers the Company

pany to establish and maintain, solely or conjointly with others, public institutions for the improvement of the colony. This important provision was inserted at the request of the Directors, who had long had in contemplation the use of the Company's funds in affording general assistance to the colonists. The two objects to which their attention will be first directed are as follows:

24. First, It is proposed to contribute, probably by way of bounty, to the establishment of regular packet communication between Port Nicholson and the western coast of America. Considering that in the ensuing autumn there will be a line of steam-packets between England and the Pacific by way of Panama, the proposed line across the Pacific would have the effect of making New Zealand the nearest instead of the most distant of the Australasian colonies. In these days we are not to be startled at any proposal for saving space and time by means of steam navigation. It is owing to steam that the Court has received its latest intelligence from Port Nicholson, by way of India. With regular steam-packets to the Isthmus of Panama, and a line of sailing packets from New Zealand either to Panama or to Callao in Peru, whence there is now a line of steam-packets to Panama, the term of a voyage between England and New Zealand would be reduced to about 70 days; and the voyage would be more easy than merely in proportion to the saving of time, in consequence of the absence of gales throughout nearly the whole of the passage. The advantages which New Zealand as a colony would derive from such a change are too obvious to require particular mention. It may be properly observed, however, that if the money which should give occasion to such a measure were even to be deducted from the dividend fund of the Company, it would soon be repaid with increase, through the more rapid colonization, and greater prosperity of the islands in which the property of the Company is situated.

25. Secondly, It has been for some time in the contemplation of the Directors to promote an object which they believe would singularly tend towards the rapid colonization of New Zealand. Scarcely a week passes in which they do not receive applications for advice from gentlemen of property, desirous of providing for younger sons in the career of colonization. The difficulty of giving useful practical counsel in such cases consists in this; that the person intending to emigrate is too young to be entrusted with the management of property in the colony, and is usually very deficient in the kinds of knowledge which qualify for success as a colonist. In the other liberal pursuits, such as the army and navy, the church, the law, or medicine, when once the choice is determined, the youth receives a suitable education, and pursues a course which leads him by steps familiar to everybody, to the point at which he no longer requires control or assistance, but may be left to himself. In colonizing, although the fashion of thus providing for younger sons has revived of late years, there is as yet nothing regular or fixed in the preparatory steps. As a desire for the means of regular education in the art of civil engineering has led to the formation of a college for civil engineers, so are we in want of a college for colonial cadets. The expense of providing for a son in the army, or the church, or at the bar, amounts to a sum amply sufficient for the capital of a leading colonist; and the more because, in the colonial career, as soon as the decision was made, a portion of the destined funds might be invested in lands, which would continually grow in value while the future proprietor was learning how to manage them profitably. In connexion with the proposed college in this country, arrangements might be made, by which the Company should take charge during his minority of the landed property intended for a cadet, and should afterwards extend to him, in case he still required it, such aid as would amount to a friendly guardianship, in his first proceedings as a settler. This is a mere outline of the plan. It has been submitted to very competent judges of such a question, and has met with the warm approval of so many eminent persons, that the Directors have reason to hope that it may be carried into effect without much difficulty. The only real difficulty, indeed, is the first outlay for a suitable establishment; since the periodical payments to the college on account of cadets during residence might with propriety be made high enough to cover ordinary expenses.

26. In contributing the first outlay for such purposes the Company would confer an inestimable advantage on the colony, and fulfil in a most important particular the end with which the Crown has invested them with unusual powers. You are at liberty to assure the settlers that these subjects will obtain the early attention of the Court, with a view to practical results.

I have, &c.

Colonel William Wakefield,
Principal Agent.

(signed) *F. Dillon Bell,*
Secretary pro tem.

No. 21.
R. Vernon Smith, Esq. to J. Somes, Esq. 1 Sept. 1841.

— No. 21. —

COPY of a LETTER from *R. Vernon Smith*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 1 September 1841.

I AM directed by Lord John Russell to acknowledge the receipt of your letter to his Lordship of the 20th ultimo.

On a full consideration of all the circumstances of the case, Lord John Russell directs me to state that he adheres to the decision already communicated to you.

Lord John Russell directs me to remind you, that by the terms of their contract with Her Majesty's Government the New Zealand Company will already have had the double advantage, first of purchasing lands at the rate of 5 *s.* an acre instead of 20*s.*; and, secondly, of having the whole of that purchase-money applied for emigration purposes. His Lordship would further observe, that according to the award of Mr. Pennington, the lands thus acquired by the Company will probably much exceed 1,000,000 acres, a result unforeseen by Lord John Russell, and, as he believes, by the Company themselves, when the original agreement was made.

I am further instructed to remind you, that at the request of the Company, Lord John Russell has already permitted the Governor of New Zealand, should he see fit, to relieve them from one condition which they regarded as disadvantageous, that, namely, of taking all their lands within the district, purchased, or said to be purchased by themselves.

Adverting to these facts, Lord John Russell considers that the words "for the present," which were expressly designed to leave Government at liberty to vary and modify their regulations, have not been construed in a manner of which the company can fairly complain. Had the company suffered disadvantages in other respects, it might have afforded a ground for not altering the first regulations for a period of two or three years.

(signed) *R. Vernon Smith.*

No. 22.
J. Somes, Esq. to Lord Stanley.
7 Sept. 1841.

— No. 22. —

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

My Lord, New Zealand House, 7 September 1841.

THE Directors of the New Zealand Company extremely regret that the first occasion of official communication with your Lordship should be to submit a complaint against the proceedings of his Excellency the Governor of the colony with which they are immediately connected. They trust that your Lordship will believe that nothing but a sense of duty, arising from a just appreciation of the importance of the interests of which they feel themselves to be the guardians, has induced them to undertake so ungrateful a task.

2. The grounds of the Company's dissatisfaction with Captain Hobson's conduct will be explained to your Lordship by the annexed copies of an advertisement issued, under his Excellency's direction, in the New Zealand Gazette*, published at Wellington, and of part of a despatch from the principal agent of the Company in New Zealand, dated 26th February last. The public journal published at Wellington shows that the proceedings of the local government in this matter have very much discontented the settlers at Port Nicholson, and caused them to petition Her Majesty for Captain Hobson's recall.

No. 1.

No. 2.

3. The

* The Company's principal agent states, that the master of the vessel sent or employed to take from Wellington to Auckland the men especially advertised for, was also "instructed by Captain Hobson to give free passages to any mechanics or labourers desirous to go to that settlement."

3. The Directors of the New Zealand Company regret exceedingly that the Governor should have thought himself justified in inflicting so serious an injury upon the whole class of employers of labour at Wellington, at a time when the capital which they had expended, and were expending in clearing and cultivating the land, did not, as yet, yield them any return; and the very high rate of wages which the circumstances of their situation enabled all labourers, but especially skilled labourers, to command, pressed with great severity upon those who were, nevertheless, compelled to make use of their services, or to forfeit altogether the objects for which they had left their homes to settle at the antipodes. The wages and other advantages which the Governor was obliged to offer to the carpenters, sawyers, bricklayers, and stonemasons, whom he succeeded, by such means, in persuading to leave Wellington for Auckland, prove how great the demand for their labour at the former place must have been; whilst by their departure the colonists not only lost the services of the individuals, but suffered from the enhanced price of labour which the diminution of the supply is known to have occasioned. And when it is remembered that the capitalists at Wellington had already and irrecoverably paid a part of the price of their labour in advance, by defraying, through a subscription (in the shape of a willingly enhanced general price of land), the cost of their passage from England, and that those who were competing with them for the services of their workmen, having borne no share of the expense of immigration, were on that account the better able to outbid them, it cannot, the Directors think, be wondered that men so treated by the very authorities from whom they expected protection, encouragement, and support, should have felt themselves to be grievously wronged, and have been proportionably irritated.

4. The Directors of the New Zealand Company have a double object in laying this case before your Lordship. They think, in the first place, that the settlers at Port Nicholson are justly entitled to compensation for the particular wrong which has been inflicted upon them; and they also consider it due to themselves and to the colony, to take this opportunity of demonstrating to your Lordship, by a striking example, the mischiefs that must be expected to result from the factitious support of a seat of Government, not recommended by any great natural advantages, and situated almost at one extremity of the long narrow islands subjected to its authority, and not at present, or likely to be, the residence of the principal, or of any considerable population, nor the emporium of the trade of the colony.

5. On the first point but few words are necessary, since it is manifestly equitable that the colonists at Wellington should be repaid the cost of the emigration of the workmen whom the Governor has carried away to Auckland. That it would be impossible to enforce such a demand, in a court of law, against individuals whom cupidity might induce to behave in a similar manner, is no argument, the Directors respectfully submit, to impugn the present claim; since there cannot be two opinions of the injustice of the act in either case, though it would not be practicable in the one to obtain redress. The directors trust, therefore, that your Lordship will be pleased to direct the Commissioners of Colonial Lands and Emigration to send out to Wellington, at the public expense, a number of workmen corresponding in calling and number with those who have been abducted by Captain Hobson.

6. The general subject is far more important to the well-being of New Zealand; and it is one to which the minds of the Directors have long been turned with no small anxiety, as the following extract from a letter which they addressed to Lord John Russell on the 3d of April last will evince:—

"It appears but too probable that, before the attraction of the seat of Government should have drawn off a considerable population from the Company's settlements, and while that operation was in progress, there would grow up a feeling of bitter rivalry and hostility between the owners of land at the seat of Government and the owners of land in the Company's settlements; the former making every effort to obtain labour which had been conveyed to New Zealand at the expense of the latter, and the latter justly complaining of the hardship of seeing their land denuded of population for whose emigration they had paid, in order to furnish population for a spot in respect to which no emigration had taken place, and which was rendered attractive by the mere proclamation of the Governor declaring it to be the seat of Government."

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7. These anticipations have been realized in every respect. As regards bitterness of feeling and animosity, the tone of the public journal already adverted to, and the spirit manifested at a public meeting of the inhabitants of Wellington, called to protest against Captain Hobson's proceedings, and to petition Her Majesty for his recall, together with all the accounts received by the Company, prove that their probable intensity was by no means over estimated by the Directors in the passage above quoted.

8. Such being the state of things, it is for your Lordship to determine whether there be advantages in the maintenance of the seat of Government at a spot where there are, at present, scarcely any people to govern, and which is condemned by nature to be always most inconveniently distant from the great body of the people who will certainly be thickly settled at no distant day over the whole surface of the beautiful islands of which it is now the nominal metropolis, sufficient to counterbalance the palpable and serious evils inseparable, as the Directors fear, from such a course of policy, and which must be expected to increase as other flourishing settlements are founded, on spots probably still more remote than Wellington, by colonists in connexion with the New Zealand Company.

No. 3.

I have the honour to enclose for your Lordship's information a copy of the petition to Her Majesty, to which I have referred; but the Directors, in the hope that the paramount authority of the Secretary of State will be interposed to put an end to these unhappy disputes, purposely abstain from transmitting the original to your Lordship.

I have, &c.

(signed) *Joseph Somes*, Governor.

Encl. in No. 22.

Enclosures in No. 22.

(No. 1.)

GOVERNMENT NOTICE.

Police Office, Port Nicholson, 5 November 1840.

THE under-mentioned mechanics will be engaged for the service of the Government at Auckland, at the terms stated; viz.

Four carpenters, first rate	9*s.* 0*d.*	per diem.
Six - ditto second rate	8*s.* 0*d.*	ditto.
Six pair of sawyers	8*s.* 6*d.*	ditto.
Three bricklayers	7*s.* 6*d.*	ditto.
Two stonemasons	7*s.* 6*d.*	ditto.

Sixpence per day extra, if they find themselves with provisions.

The mechanics will be allowed one quarter of an acre of land to reside on whilst in the service of Government, at a pepper-corn rent Provisions will be supplied at cost prices.

The wages to commence on arrival at Auckland.

The engagement to be for six or twelve months, at the option of the Lieutenant-governor.

(signed) *Michael Murphey*,
Chief Police Magistrate.

(True copy.)
F. Dillon Bell,
Sec. pro tem. New Zealand Company.

(No. 2.)

THE number of settlers sent from England at the expense of the Company, together with those arrived from Australia, at this time exceeded 2,000 souls. An impetus to enterprise had been given by Sir George Gipps's decision, and an union of purpose amongst the colonists bade fair to push forward the settlement at a rate unanticipated by the most sanguine. Commerce, founded on the capital introduced from home and the other colonies of this hemisphere, gave a life to the place similar to that of old countries. Mechanics and the labouring class obtained full employment at ample wages in the erection of buildings and cultivation of the fruitful land in the neighbourhood of the harbour; whilst native labour and native produce realised, to the fullest extent, the value set upon them by the proposers

proposers and advocates of New Zealand colonization. At this period of our history, when the fostering care of the Lieutenant-governor might have been reasonably expected by the infant colony, now placed under his dominion and become a recognised portion of the British Empire (although until that recognition occurred we had no right, perhaps, to expect protection from Government), Captain Hobson struck a blow at the prosperity and even existence of the settlement, which was as little sanctioned by the governors of neighbouring colonies as it was consistent with justice and fair dealing. Although Sir John Franklin, the Governor of Van Diemen's Land, and the authorities of other adjacent colonies, had expressly and pointedly disapproved of, and taken measures to prevent the abstraction of workmen from one settlement for the benefit of another, Captain Hobson sent a vessel hither, with offers of free passage, of temporary locations without rent, and of other inducements to the working classes to migrate to the settlement now in progress in the Gulf of Shouraka, whither a difficult navigation, a doubtful harbour, and a barren district have deterred any but some hungry officials and Bay-of-Islands land expectants from bending their steps. The only apologies that can be offered for this proceeding are, that the recognition of the Company's title to the land acquired from the natives (who at the time of such acquisition were expressly acknowledged to have the full power of selling their territory), gives the Government a right to dispose of the labour sent out by the Company (by means of the 75 per cent. put apart for an emigration fund out of the proceeds of their sales), in the same manner as if the importation of that labour into these islands had been defrayed out of the national emigration fund; and that the settlement at Auckland, being in New Zealand, a seduction of labourers from Port Nicholson is not a fraudulent abstraction from one colony to benefit another, such as is denounced by Sir John Franklin, Colonel Gawler, and the settlers of every colony which may be liable to injury from the same cause.

The first plea is answered by the fact of the Company having voluntarily expended on emigration 75 per cent. of its profits on the sales of land purchased before the Government claimed a right to sell land in this country; and the second may be as easily disposed of, by asking whether Port Nicholson and Auckland, 400 miles apart, and separated by the East Cape, are not as much distinct and separate settlements as Port Jackson and Launceston, or, to give more striking examples, as Launceston and Port Phillip, before the latter was made a separate colony.

The conduct of Captain Hobson has naturally given much uneasiness to those who, having expended capital here, fear a deficiency of labour, and universal disapprobation of it has consequently been strongly expressed; but the reliance upon the continuance of a supply of labour by the Company, and the fortunate plantation of the settlement a year in advance of that at Auckland, reassure all reasonable people as to the stability and bright prospects of this place.

(True copy.)

(signed) *F. Dillon Bell,*
Secretary pro tem. to the New Zealand Company.

(No. 3.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

WE your Majesty's loyal subjects, resident at Port Nicholson, in New Zealand, beg to approach your Majesty with assurances of our most respectful and devoted attachment to your Royal person and Government.

We humbly thank your Majesty for the gracious consideration of our necessities as a new and rising community, as manifested by your Majesty's directions to your ministers to establish British law and authority in this part of your Majesty's dominions, and in the appointment of a Lieutenant-governor to carry your Royal intentions into effect. But duty to our Sovereign, as well as justice to ourselves, compels us to state that the wise and gracious designs of your Majesty have been in a great measure frustrated by the neglect and misconduct of Lieutenant-governor Hobson.

We desire to represent to your Majesty, that the settlement of Port Nicholson comprises the large majority of your Majesty's subjects resident in the islands of New Zealand; that the population is rapidly increasing; that the natural productions of the country ensure the rapid development of its extensive agricultural, commercial, and manufacturing resources; that already the commerce of Port Nicholson is much more considerable than that of any other port in the islands; that its geographical position must give it great political importance; and that in no part of the British empire are your Majesty's subjects more distinguished by ready obedience to lawful authority, or by a more earnest determination to maintain the honour and dignity of the British Crown.

Notwithstanding these claims on his attention, claims which we humbly submit ought to have decided Lieutenant-governor Hobson to fix the seat of Government at Port Nicholson,

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his Excellency has never even visited this important and flourishing settlement, but has selected for his capital a portion of the northern island, 300 miles distant from us, where there are no British residents except those immediately connected with Government. Communication with the Government is thus rendered uncertain, unfrequent, difficult, and expensive; in short, nearly all those over whose welfare Lieutenant-governor Hobson was instructed to watch, and from whose contributions the cost of establishing this rival settlement must be chiefly defrayed, and the revenue of the colony mainly derived, are almost entirely excluded from the benefit of any Government at all, with the single exception of a police magistrate, with undefined criminal jurisdiction.

But in addition to this systematic neglect of our welfare, we have to charge Lieutenant-governor Hobson with an attempt to inflict upon us a serious positive injury.

Your Majesty's attention is called to the facts, that a great scarcity of skilled labour exists in this settlement; that the artificers and labourers resident here have been brought from England at the expense of the landholders and capitalists of Port Nicholson, with the understanding, and in the full belief that they were to remain here for an indefinite period; that employment of this valuable and most respectable portion of our community at high wages is constant, and the demand for their services increasing, and that the prosperity of the settlement mainly depends upon a sufficient supply of this description of labour.

Nevertheless, and with a perfect knowledge of diminishing the supply, Lieutenant-governor Hobson has sent a vessel from Auckland, his seat of Government, with offers of a free passage and other advantages to such artificers and labourers as may be induced to leave the service of your petitioners, and enter into his employment. The cost of sending down this ship for the above purpose, will be defrayed from the public revenue, and thus the settlers of Port Nicholson will have not only paid for the passage of their workmen from England, but will also be taxed to pay the cost of seducing them to Auckland.

We would humbly represent to your Majesty, that the attempt to promote the prosperity of one part of your Majesty's dominions in New Zealand, by inflicting a grievous and lasting injury on another and far more important portion, is in principle unjustifiable, and that this species of competition of a Government with its subjects is opposed to the principles of the British constitution, and is moreover decidedly repugnant to the instructions which Lieutenant-governor Hobson was commanded by your Majesty's Government to obey.

Prayer.—Hopeless of redress from his Excellency the Lieutenant-governor, of whose unhappy and ill-judged hostility to this settlement we have received but too many proofs, and relying upon your Majesty's maternal care for the welfare of your subjects, whether at home or abroad, we humbly solicit your Majesty's most gracious interference on our behalf by recalling Lieutenant-governor Hobson, and affording us such other relief as to your Majesty shall seem fit.

And your Petitioners, as in duty bound, will ever pray.

No. 23.
G. W. Hope, Esq. to J. Somes, Esq.
28 Sept. 1841.

— No. 23. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 28 September 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 7th instant, in which, on behalf of the New Zealand Company, you submit a complaint against Captain Hobson, Governor of New Zealand, in consequence of his having induced some mechanics and labourers to proceed from Port Nicholson to the seat of Government, and enclose a copy of a petition to the Queen, purporting to proceed from the inhabitants of Port Nicholson, praying for Captain Hobson's recal.

In reply, I am directed to acquaint you, that Lord Stanley postpones any observations until he shall have received the petition through Captain Hobson, (through whom it has of course been transmitted according to invariable rule,) and the explanations with which he will probably accompany it.

I am, &c.
(signed) *G. W. Hope.*

— No. 24. —

No. 24.
J. Somes, Esq. to Lord Stanley, 5 November 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, London,
My Lord, 5 November 1841.

THE accounts which the Directors of the New Zealand Company have received of the increasing resort of shipping to Port Nicholson, have convinced them that the value of that harbour to the colonists at Wellington, and to the mercantile community in general, would be greatly increased by the erection of a lighthouse at its entrance, probably on the point called Pencarrow Head.

It is so obviously desirable that mariners unacquainted with the coast, or even vessels using the harbour, making the Heads in the night, should have the facilities and security afforded by a lighthouse erected on a suitable spot, that the Directors feel that they need not urge such considerations upon your Lordship. In order to confer these benefits upon the settlement, I have the honour to state that the New Zealand Company are willing to send out the requisite lights for a lighthouse, to be placed at the disposal of the colonial authorities at Wellington, at a cost of about 1,500*l.*, which they understand will be sufficient for the purpose; respectfully trusting that your Lordship will be pleased to direct that the amount of this outlay shall be deemed a charge on the harbour dues hereafter to be levied on vessels entering Port Nicholson.

I have, &c.
(signed) *Joseph Somes*, Governor.

— No. 25. —

No. 25.
G. W. Hope, Esq. to J. Somes, Esq. 17 Nov. 1841.

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 17 November 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 5th instant, in which you state that the value of the harbour of Port Nicholson to the colonists at Wellington, New Zealand, would be much increased by the erection of a lighthouse at its entrance; and you submit the offer of the New Zealand Company to send out the requisite lights, &c. at a cost of 1,500*l.*, on the understanding that such outlay shall be deemed a charge on the harbour dues hereafter to be levied on vessels entering Port Nicholson.

Lord Stanley desires me to acquaint you, in reply, that he can form no opinion on the subject in the absence of any Report upon it from the Governor of New Zealand, for which his Lordship will immediately apply.

Lord Stanley would suggest to the Company the propriety of submitting to their agents in the colony, that as often as questions may arise there on which it may be necessary for Her Majesty's Government to decide, such questions should be brought to the notice of the Secretary of State through the intervention of the Governor; since by adopting any other course a very serious delay must intervene, which may often be attended with extreme inconvenience to the public service.

I am, &c.
(signed) *G. W. Hope.*

— No. 26. —

No. 26.
J. Somes, Esq. to Lord Stanley, 15 October 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
My Lord, 15 October 1841.

THE Directors of the New Zealand Company, being in treaty with certain parties officially connected with Hamburgh, and the other free cities of Germany, acting on behalf of a colonization company now forming in that country, for the sale of the group of islands in the South Seas known by the

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name of the Chatham Islands, their property in which was acquired by *bonâ fide* purchase from the natives, they consider it to be right to inform your Lordship of the circumstance, although they believe that no claim to the sovereignty of the islands in question has ever been advanced on the part of the British Crown, and that the islands are to all intents and purposes a foreign state, ruled by native chiefs, who have the undoubted right to cede their sovereignty to any foreign power they may think proper. I do not trouble your Lordship with any arguments upon this point, further than to observe, that the Chatham Islands were not included within the limits of Governor Philip's commission for New South Wales and its dependencies in 1787; and that, like New Zealand, before the late cession of that country to Her Majesty, the Chathams are a foreign country within the meaning of the Act 9 Geo. 4, c. 83, and previous Acts, which provide for the punishment of offenders in the various islands of the Pacific not subject to Her Majesty or any other European state.

2. In submitting to the Government this respectful intimation of their intentions, the directors avail themselves of the opportunity to state to your Lordship, that their desire to give useful neighbours to the settlements which they have founded in New Zealand, is the motive which has principally induced them to dispose of their property in the Chatham Islands to the representatives of communities so little likely to be animated, at any time, by political hostility to Great Britain, and who promise to conduct with vigour, and in an enlightened spirit, the enterprise which they contemplate, as the free cities of Germany. They feel assured that the arrangement upon which they are entering must be productive of material benefits, direct and indirect, to the colonists of New Zealand; and that not the least satisfactory result will be, to render Port Nicholson the centre of a wider circle of commerce than could have been established, if the Chatham Islands had remained in the exclusive possession of their present barbarous inhabitants.

3. Having this national object prominently in view, it is the intention of the Directors to make it a condition of the transfer, that British subjects, with their ships and goods, shall at all times be placed, in the ports of the Chatham Islands, on the same footing as the national flag of the Hanse Towns, or the subjects of the sovereign power for the time being. By this stipulation, a new and important market may be opened for British produce and manufactures in the Southern Pacific.

4. The Directors propose to restrict the purchasers from making any part of the Chatham Islands a penal settlement for the reception of malefactors transported thither from any other country.

I have, &c.

(signed) *Joseph Somes*,
Governor.

No. 27.
G. W. Hope, Esq. to J. Somes, Esq. 28 Oct. 1841.

— No. 27.—

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 28 October 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 15th instant, in which you announce to his Lordship that the Directors of the New Zealand Company, being in treaty with certain parties officially connected with Hamburgh, and the other free cities of Germany, for the sale of the group of islands in the South Seas known by the name of the Chatham Islands, the Company consider it right to inform Lord Stanley of the circumstance. You add, that the property of the Company in these islands has been acquired by purchase from the natives, and you proceed to show that they are not within Her Majesty's dominions; you further state, that it is the intention of the Directors to make certain stipulations with the Hanse Towns for the benefit of the trade and navigation of British ships and subjects at the Chatham Islands.

As

As these proceedings are thus formally brought under Lord Stanley's notice, his Lordship directs me to state, that on referring to the charter of the New Zealand Company he finds a specific enumeration of the objects with a view to which they have been incorporated, and of the purposes to which their capital is to be applied; but Lord Stanley does not find in that charter anything which appears to him to justify the supposition that the Company could lawfully apply any part of that capital towards the purchase of lands in a country which they themselves describe as foreign, still less can his Lordship discover on what ground the Company can claim a right to enter into negotiations with the diplomatic agents of a foreign state, having for their object the creation of a foreign colony in the neighbourhood of the British settlements, and the protection of the commerce and navigation of Great Britain with the proposed colony. Lord Stanley proposes to refer to the Attorney and Solicitor-general the question, whether such powers are really vested in the New Zealand Company; and if they should be of opinion that the proceedings of the Company have not been lawful, his Lordship proposes to desire the law officers of the Crown to state what are the consequences, in point of law, of the assumption and exercise by the Company of those powers.

Lord Stanley thinks it right to apprise you that he is about to make these inquiries, in order that the New Zealand Company may not be unaware of the necessity for the exercise of caution and circumspection in advancing any further in the proceedings in which they report themselves to be engaged.

I have, &c.
(signed) *G. W. Hope.*

— No. 28. —

No. 28.
J. Somes, Esq. to Lord Stanley.
5 Nov. 1841.

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, London.

My Lord, 5 November 1841.

I HAVE the honour, on behalf of the Directors of the New Zealand Company, to acknowledge the receipt of Mr. G. W. Hope's letter of the 28th ultimo, relative to the Chatham Islands, and respectfully to submit the following explanation of the matter for your Lordship's consideration.

It appears from the tenor of Mr. Hope's letter that your Lordship assumes that the New Zealand Company, since its incorporation by royal charter, has applied a part of its capital to the acquisition of land in the Chatham Islands; but this I beg to state to your Lordship is a misapprehension. The fact is, that the soil of those islands was purchased a considerable time previous to the date of the charter, by an agent acting on behalf of the persons associated together in the copartnership called the "New Zealand Company," which copartnership was formed, as declared by its deed of settlement, for the purchase and sale of lands, not only in New Zealand, but in the islands adjacent thereto in the South Pacific Ocean; consequently, as your Lordship will perceive, the acquisition of the Chatham Islands was a legitimate transaction on the part of that copartnership.

The Directors of the New Zealand Company admit that the Company, as constituted by its recent charter, is precluded by that settlement from acquiring or dealing with lands in a foreign country; but they entreat your Lordship's attention to the circumstance that the incorporation of the Company in February last did not deprive the persons so incorporated of property which they lawfully held as individuals by a title different from that on which their corporate rights depend; and that, consequently, the property of the soil in the Chatham Islands is now vested in the individuals on whose account the same was purchased, or their representatives. Those individuals are not identical with the present shareholders in the New Zealand Company, because, since the grant of the charter, a new body of shareholders has been admitted, who are entitled to participate only in the corporate property of the chartered company, and not in property which that company has never held, and could not lawfully hold under its charter.

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Further, I respectfully submit to your Lordship, that the Directors have neither entered into any contract in their capacity of Directors, nor done any corporate act whatever, with reference to the disposal of the Chatham Islands; they therefore feel assured that the circumstance of their having, perhaps rather unguardedly, stated that they, "the Directors," were in treaty with parties connected with the free towns of Germany for the sale of the Chatham Islands, will not prejudice them in your Lordship's judgment, after this explanation of the real state of the case.

The Directors trust that it is scarcely necessary for them to disclaim having at any time, either as the administrators of the New Zealand Company or as individuals, entertained the slightest intention of dealing with the sovereignty of the Chatham Islands, or pretending to transfer it to a foreign power.

I have, &c.

(signed) *Joseph Somes*,
Governor.

No. 29.
G. W. Hope, Esq. to J. Somes, Esq. 11 Nov. 1841.

— No. 29. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 11 November 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 5th instant, on the subject of the Chatham Islands. His Lordship desires me to acquaint you in reply, that as it appears from your statement that the New Zealand Company, as incorporated by Royal charter, have no property in those islands, but that such property is claimed by another body of persons, he does not think it necessary to pursue the correspondence with the Company on the subject. His Lordship must, however, be understood as not acknowledging the right of any persons to any land in the Chatham Islands, acquired by purchase from the natives.

I am, &c.

(signed) *G. W. Hope.*

No. 30.
G. W. Hope, Esq. to J. Somes, Esq. 1 December 1841.

— No. 30. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 1 December 1841.

I AM directed by Lord Stanley to acquaint you, that in conformity with the intention announced to you in my letter of the 28th October, he caused the statements contained in your letter of the 15th of that month, respecting certain proceedings of the Directors of the New Zealand Company, with reference to the Chatham Islands, to be laid before the Attorney and Solicitor-general, and that he has now received from them a report on the lawfulness of such proceedings.

Lord Stanley is aware that in your letter of the 5th instant you have further stated by way of explanation, "that the soil of those islands was purchased a considerable time previous to the date of the charters, by an agent acting on behalf of the persons associated together in the copartnership called The New Zealand Company;" that "those individuals are not identical with the present shareholders in the New Zealand Company;" that the Directors have "neither entered into any contract in their capacity of Directors, nor done any corporate act whatever with reference to the disposal of the Chatham Islands;" and that at no time have the Directors, "either as the administrators of the New Zealand Company or as individuals, entertained the slightest intention of dealing with the sovereignty of the Chatham Islands, or pretending to transfer it to a foreign power." His Lordship, however, considers it advisable, notwithstanding this explanatory statement, to inform you that on the facts as appearing from your letter of the 15th October, the law officers have reported their opinion that the purchase of the Chatham Islands, and the proposed sale of them by the Directors of the New Zealand Company, were wholly unauthorised by the charter, and were in their opinion illegal; and that the proceedings of the Directors,

Directors in entering into any agreement, or treaty, or stipulation, for securing to "British subjects the same footing as the national flag of the Hanse Towns, or subjects of the sovereign power for the time being," and "restricting the purchasers from making any part of the Chatham Islands a penal settlement for the reception of malefactors transported thither from any other country," are in their opinion an interference with the Royal Prerogative, and therefore unlawful; the possible inconvenience and danger of such an interference being quite obvious.

Lord Stanley desires me to add, that the Crown lawyers have further reported their opinion, that the consequence of an abuse of the trust created by a charter, or of the powers thereby granted, may be the forfeiture of the charter altogether, although they doubted whether what was stated by you to have occurred in this case as before them, if the intention were abandoned, would be deemed to amount to such forfeiture.

I am, &c.
(signed) *G. W. Hope.*

— No. 31. —

No. 31.
J. Ward, Esq. to G. W. Hope, Esq.
7 December 1841.

COPY of a LETTER from *J. Ward*, Esq. to *G. W. Hope*, Esq.

New Zealand House, Broad-street-buildings,
Sir, 7 December 1841.

I AM directed by the Court of Directors of the New Zealand Company to acknowledge the receipt of your letter of the 1st instant, and to express its deep sense of the kindness with which Lord Stanley communicates the result of the reference made by his Lordship's direction to the law officers of the Crown, respecting the proposed transfer of property in the Chatham Islands. The Court is happy to find that the Attorney and Solicitor-general express no opinion that any bad consequences have been incurred by acts already done, if the intention of completing the proposed arrangement be abandoned. I am instructed again to state, that no act whatever has been done between the Company and the parties with reference to the projected arrangement, inasmuch as the Company has not, since its charter, purchased those lands which are held by the shareholders of the unincorporated Company which existed before the grant of the charter; and nothing has been done with respect to the resale, except laying before Lord Stanley the arrangements that had been proposed in relation to it. The Court will take the utmost care that, with regard to this matter, nothing shall be done which shall in any way involve the Company in any illegal or objectionable proceedings.

I have, &c.
(signed) *John Ward*, Secretary.

— No. 32. —

No. 32.
German Colonization Company.

GERMAN COLONIZATION COMPANY.

(Received from the Office of the New Zealand Company.)

Sect. 1. THE Company consists of the holders of shares of the amount of b^nco *Fl.* 1,000.

Sect. 2. Towards the colonization of Chatham Island 400 shares will be issued. Every further issue of shares for another colonizing enterprise of the Company forms a series apart from this one, in which, however, the first shareholders will have the right of participating in preference to other persons.

Sect. 3. The taking up of the share pledges only to the first instalment of b^nco *Fl.* 200, for which provisional certificates will be issued. This instalment is intended to secure the contracted deposit of b^nco *Fl.* 1,000, and the sending out of a commission (accompanied by the necessary surveyors, handicraftsmen and mechanics), which has to explore the islands, and in case of necessity, to take possession in the name of the Company.

Sect. 4. The Company, of which the locality is in Hamburgh, will be represented by a Court of Directors, consisting of five members, to be chosen by the first general assembly, whose functions and powers are to be fixed by the provisional committee of the first general assembly, appointed for the approval of regulations to be laid before them.

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Sect. 5. In this general assembly a majority of votes is to decide; and the holders of

1-2 shares, will have	1 vote.
3-5 ditto	2 votes.
6-10 ditto	3 votes.
11-20 ditto	4 votes.
21 and upwards	5 votes.

Sect. 6. In the course of the month of February the Court of Directors, or if such Court should not yet have been constituted, the provisional committee, will decide upon the ratification (which has to take place before the 12th of March in this year) of the contract of purchase made in the name of the Company.

Sect. 7. The Court of Directors will, as soon as possession has been taken, cause the site of a port, of the suburb, and the more distant rural territory to be surveyed, and will alienate the same conditionally, even before sending in a report, at such price as may seem sufficient for the conveyance and location of German emigrants, for the first public expenditure of the colony, the return of the price paid for, and capital laid out upon, the land, as well as for aproportionate dividend.

Sect. 8. The Directors will, in the proper form, open negotiations in reference to Article 3, for concurrence in the anomalous position of the group of islands, in respect of their political rights. Viewing, however, that the New Zealand Company has, by agreement, secured to the German Company a legal possession; and, with reference to the enjoyment of national rights and religious liberty, has recognised as reasonable the wishes of the same, there does not appear to be any doubt respecting the unlimited freedom of trade of the future port, or the carrying on of its traffic under equal, though not exclusive rights, under the German, the Hanseatic, or the Hamburgh flag.

Sect. 10. The whole of the proceeds derived from the alienation of the lands will be applied in the following manner:—

(*a*) One half to the conveyance and settlement of German emigrants, in regulated proportions of trades, ages, and sexes.

(*b*) One quarter in aid of the public expenditure of the colony; in which are to be reckoned the surveys, as well as the building of the first roads, bridges, and other works.

(*c*) One quarter to defraying the expenses of the administration in Hamburgh, to the payment of a dividend, and to the return of instalments paid in.

Sect. 11. Of the area of each of the three districts—the port, the suburb, and the rural territory; and in addition to the reserve secured by the New Zealand Company to the Aborigines, one-tenth will be kept apart, to be applied to the exclusive endowment of higher objects, on the security of which the value of the new settlement, in the eyes of the better part of its population, must depend, namely, the church and the school.

The Provisional Committee,

Hamburgh, 15 February 1842.

(signed) *K. Sieveking*, Syndic of Hamburgh.

A. Abendroth, Dr.	*Ross, Vidal & Co.*
D. Chapeauronye & Co.	*Shiller, Brothers & Co.*
Joh. C. Godeffroy & Son.	*A. Schramm.*
E. Johns.	*R. M. Sloman.*

— No. 33. —

No. 33. G. W. Hope, Esq. to J. Somes, Esq. 29 March 1842.

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 29 March 1842.

I AM directed by Lord Stanley to acquaint you, for the information of the New Zealand Company, that his Lordship has received from the Earl of Aberdeen the copy of a despatch from Her Majesty's Chargé d'Affaires at Hamburgh, enclosing the copy of an agreement entered into between the New Zealand Company and Mr. Syndicus Sieveking, for the sale of the Chatham Islands, with a memorandum on Mr. Sieveking's proposed colonization of those islands. The agreement purports to be made between Mr. Sieveking of the one part, and John Ward, esq. Commissioner of Her Britannic Majesty, acting on this occasion on behalf of the New Zealand Company of London, incorporated by royal charter, of the other part.

Lord Stanley directs me to recall your attention to the former correspondence between this department and the New Zealand Company on this subject, and to the opinion of the law officers of the Crown, which was communicated to the Company in the course of that correspondence.

What may be the legal consequences of this transaction, as it now appears, Lord Stanley does not think it necessary for the immediate purpose of this letter to inquire. But as the contract was made by a gentleman accredited to the city of Hamburgh, as a Commissioner from the Crown of Great Britain for other

other purposes, and as this fact is expressly noticed in the introductory part of the agreement, it appears to Lord Stanley incumbent on Her Majesty's Government that a clear explanation should be given by them to the contracting parties at Hamburgh of the real state of this case, and that Her Majesty's Government should disclaim all responsibility for the engagement into which Mr. Ward has entered. Lord Stanley has therefore requested Lord Aberdeen to cause such a communication to be made through Her Majesty's Chargé d'Affaires at Hamburgh to Mr. Syndicus Sieveking. Lord Stanley has further requested Lord Aberdeen to cause Mr. Sieveking to be informed that the Chatham Islands will henceforth form part of the colony of New Zealand, and will be subject to all the laws in force there regarding land purchased from the natives, by which laws, as you are aware, no former purchase can be recognized without the previous sanction of the local government, on the report of Commissioners appointed for that purpose, nor even then to a greater extent that 2,500 acres in the case of any one purchase.

I have, &c.
(signed) *G. W. Hope.*

— No. 34. —

No. 34.
J. Somes, Esq. to Lord Stanley.
8 April 1842.

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
My Lord, 8 April 1842.

I HAVE the honour to acknowledge the receipt of Mr. Under-Secretary Hope's letter, dated 29th ultimo, on the subject of the Chatham Islands.

I beg again, in the most explicit manner, to assure your Lordship that no act with respect to the Chatham Islands has since our incorporation been done or sanctioned by the New Zealand Company; that the steps taken by Mr. Ward in his communication with Mr. Syndicus Sieveking were not taken in pursuance of instructions from the Company, and that the New Zealand Company, though constantly pressed to ratify Mr. Ward's agreement, has as constantly declined to do so, on the ground that the Company in its corporate capacity has nothing to do with the colonization of the Chatham Islands.

The relation in which the present Company stands towards these islands is very easily explained. The acquisition of land in these islands came within the scope of the deed of settlement under which the original Company acted before its incorporation. At the time of making the agreement with the Government, in which the charter originated, the purchase of the Chatham Islands from the natives by an officer of the Company was not known to the Directors, and consequently the Chatham Islands were not included in the charter. The result of this has been, that the members of the original unincorporated Company have found themselves in possession of these islands, or at least of the claim acquired in virtue of the purchase from the natives, (and which, I submit, that body was perfectly competent to maintain), without any power under the charter to include them within the colonizing operations of the incorporated Company. The Court of Directors of the New Zealand Company feels, therefore, that it is not within its province to urge upon your Lordship the claims of the Company which existed previous to the present charter.

I have, &c.
(signed) *Joseph Somes*, Governor.

— No. 35. —

No. 35.
M. Durant St. André to J. Stephen, Esq.
28 January 1842.

COPY of a LETTER from Monsieur *Durant St. André*, Consul-general of His Majesty the King of the French, to *J. Stephen*, Esq.

Consulat Général de France en Angleterre,
Monsieur, Londres, le 28 Janvier 1842.

DES négociants Français qui cherchent à ouvrir des relations commerciales avec les nouveaux établissemens de Sa Majesté Britannique dans la Nouvelle Zélande, se sont adressés au Dépt. des Affaires Etrangères à Paris, pour avoir

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communication des tarifs et reglémens de douane de la colonie, et je suis chargé par M. Guizot de lui procurer un exemplaire de ces divers documens.

Je ne les ai point encore vus publiés dans les feuilles publiques, et je crois pouvoir les reclamer de votre obligeance.

Il nous importerait surtout de savoir si les produits du sol et de l'industrie de la France, les vins, les eaux-de-vie, etc., peuvent être introduits dans la colonie, sur navires Français, et en pareil cas qu'elle serait la quotité des droits. Je suppose que les produits de la Nouvelle Zélande pourraient être exportés sur ces mêmes navires; mais s'il existait des droits de sortie sur quelques articles en particulier, je tiendrais à en être informé.

Les questions que j'ai l'honneur de vous adresser ayant pour objet de favoriser l'établissement de relations commerciales régulières et également utiles aux deux pays, je me flatte que vous ne les considérerez point comme indiscrètes, et que vous voudrez bien me mettre en mesure de fournir à mon gouvernement les renseignemens qui me sont demandés.

J'ai l'honneur d'être, Monsieur,

Votre très obéissant serviteur,

(signé) *Durant de St. André.*

No. 36.
J. Ward, Esq. to Lord Stanley, 9 April 1842.

— No. 36. —

COPY of a LETTER from *J. Ward*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,

My Lord, 9 April 1842.

THE Directors of the New Zealand Company having learned from a correspondence between Mr. Mangles and Mr. Under-Secretary Hope, that a letter which they addressed to your Lordship on the 18th of September last is, through some accident, not forthcoming in the Colonial Office, I am now directed to submit a duplicate of the same for your Lordship's favourable consideration.

No. 39.

I have, &c.

(signed) *John Ward*, Secretary.

No. 37.
G. W. Hope, Esq. to J. Ward, Esq. 14 April 1842.

— No. 37. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Ward*, Esq.

Sir, Downing-street, 14 April 1842.

I HAVE to acknowledge the receipt of your letter of the 9th instant, stating that the Directors of the New Zealand Company having learned from a correspondence between Mr. Mangles and myself, that a letter which they addressed to his Lordship on the 18th September last, is, through some accident, not forthcoming in the Colonial Office, have desired you to submit a duplicate of the same for his Lordship's consideration.

In reply, I have to observe that my communication to Mr. Mangles having been entirely of a private and unofficial kind, no copy has been kept of it; but that it was not my intention to state, and my impression is that I did not state, that the paper in question was "by some accident not forthcoming at this office." My intention having been to make Mr. Mangles aware of the result of inquiries undertaken at his request, viz. that there is no trace of any such document having been ever forwarded to this office, from which I infer that, as far as negative testimony goes, the reasonable conclusion would seem to be that by some accident at the office of the New Zealand Company, it was never officially communicated till now.

I am, &c.

(signed) *G. W. Hope.*

— No. 38. —

No. 38.
F. Dillon Bell, Esq. to Lord Stanley, 18 Sept. 1841.

(Duplicate.)

COPY of a LETTER from *F. Dillon Bell*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
18 September 1841.

My Lord,

THE Court of Directors of the New Zealand Company having recently received a despatch from their principal agent in that colony, submitting his observations on the practical bearings of certain of the clauses of the terms of arrangement between Her Majesty's Government and the Company, which were forwarded to the Court under cover of Mr. Vernon Smith's letter of the 18th November last, I have the honour to solicit your Lordship's consideration of the following points, which are of great importance in relation to the extensive operations for the colonization of New Zealand in which the Company is engaged. By clause 5, head 1, of the Arrangement above referred to, the Company is required to select the lands granted to it on account of foregone expenditure, "within six months after the receipt by the Governor of a copy of this agreement." Upon this clause, the Company's agent in the colony observes, "The want of knowledge of the country, owing to our survey having hitherto opened so little of it, strongly calls for an extension of time, in the selection of the blocks of land, beyond the six months from the receipt of the agreement by the Governor." It appears from the correspondence relative to New Zealand which has been laid before Parliament, and printed, that a copy of the arrangement, the date of the receipt of which was to regulate the commencement of the term of six months allowed for the exercise of selection as above stated, was despatched to Governor Hobson, under date the 10th March 1841. It may therefore have reached the colony in the course of July. But independently of the reason for the extension of the term urged by the Company's agent in New Zealand, in the extract from his despatch above quoted (which appears to the Directors, with reference to fact, that little or nothing is known of the country in which the selection is to be made, except that it is extremely hilly, and densely wooded, and, therefore, very difficult of examination and survey, to be an undeniable plea for the grant of further time,) your Lordship is requested to observe that the earliest intimation of the quantity of land to which the Company was held, in the first instance, to be entitled, was given in Mr. Vernon Smith's letter of the 4th of June last, communicating Mr. Pennington's award. Till copies of that award reached the Governor from the Colonial Department, and the Company's agent from this house, it was impossible that either party should know how much land the one party was entitled to select, or the other authorised to grant. As respects the land to which Mr. Pennington's award declared the Company to be contingently entitled, nothing has yet been definitively settled: indeed that gentleman is at this moment examining (under orders from the Colonial Department) the accounts of the Company's expenditure on which their right to a further cession is founded. It would be manifestly impossible that this land, the quantity of which is not yet determined, should be selected within the stipulated term. Under these circumstances the Directors respectfully trust that your Lordship will think it equitable to put the matter on a more practicable footing, by authorizing the local Government to permit the Company's agent to exercise the right of selection on their behalf within such terms, in relation to the actual date of the acquisition of the right in such instance, as shall appear to that authority which alone can be properly cognizant of the means of selection and the practical difficulties opposing it, to be just and reasonable. The second point, of which the Directors respectfully solicit your Lordship's consideration, is the obligation imposed upon the Company by clause 6, head 1, of the Arrangement, to choose the land to which they are entitled in blocks, "each of which shall be as nearly as possible a parallelogram, of which no one side shall be more than twice the length of any other side." Upon this stipulation the Company's agent remarks, "The sale as to parallelograms to be extended, as a compliance with it in this mountainous district, or indeed in any part of New Zealand, would necessitate the occupation of much unavailable and bad land, which would be contrary to the intentions of Lord John Russell, as expressed in his instructions to the Land Commissioners." It is needless to amplify or to insist upon the force of the foregoing remarks, but one peculiar feature of New Zealand demands notice, as aggravating the

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embarrassment to which, as the Company's agent truly states, the rule as to parallelograms will subject the Company. It appears that, as far as the country is yet known, there are no good harbours in the immediate vicinity of any considerable extent of flat land, suitable for the sort of agriculture to which emigrants from Great Britain are habituated, and the country surrounding all the best harbours is remarkably mountainous and rugged. In such situations, generally speaking, detached and narrow valleys alone offer any sufficient present inducement to colonists to undertake the very expensive process (with reference to the high price of labour) of clearing heavily-timbered land. Some time must elapse before the intervening hills can be turned to any profitable use. To the settlement of Port Nicholson it is true the rule regarding parallelograms does not relate; but since, as regards the site, doubtless already selected (though no advice of the circumstance has yet been received), for the Company's second settlement, there seems to be no choice but that of flat land without a harbour, or of a harbour without flat land, it is of great practical importance that the rule in question should not be so enforced as to compel the Company, and consequently the colonists in connexion with them, to pay for the advantage of a good harbour (so essential to British settlers) the enormous price involved in the profitless sinking of their capital in the purchase of any large quantity of unavailable mountains and ravines.

I have, &c.
(signed) *F. Dillon Bell,*
Secretary *pro tem.*

No. 39.
G. W. Hope, Esq. to J. Ward, Esq.
16 April 1842.

— No. 39. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Ward*, Esq.

Sir, Downing-street, 16 April 1842.

I AM directed by Lord Stanley to acknowledge the receipt of a letter addressed to his Lordship by desire of the Court of Directors of the New Zealand Company, dated the 18th of September last, but which was not received at this Office till the 11th instant.

The Directors request, in the first place, that the agent of the Company in the colony may be permitted to exercise the right of selection of land given to them by the 5th clause of the 1st head of the agreement between Her Majesty's Government and the Company, communicated in Mr. Vernon Smith's letter of the 18th November 1840, within such terms in relation to the actual date of the acquisition of the right in each instance as shall appear to the local Government to be just and reasonable.

In the second place, the Directors request that they may be relieved from the obligation imposed upon them by clause 6 of the same head of that agreement, of choosing the land to which they are entitled in blocks which shall be as nearly as possible a solid parallelogram, of which no one side shall be more than twice the length of the other side.

In reply, I am to acquaint you that, with regard to the first request, Lord Stanley does not consider it expedient to refer this matter to the determination of the local Government, but in accordance with what is obviously the spirit of the clause of the agreement in question, will at once consent to allow the period for selection of land to count from the date of the receipt by the Governor of New Zealand of the copies of the awards to be from time to time made by Mr. Pennington under the previous clauses of the same head of the agreement, instead of from that of the receipt of the copy of the original agreement; and further, that in case no indulgence in this respect shall have been granted by the Governor as regards awards already notified to him, a period of six months from the receipt of the instructions which will now be addressed to him will be allowed for selection under such awards.

With regard to the second request of the Directors, Lord Stanley directs me to state that he regrets he cannot meet their wishes by making any such relaxation of the 6th clause of the 1st head of the agreement as that proposed.

I am, &c.
(signed) *G. W. Hope.*

—No. 40.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

No. 40.
J. Somes, Esq. to Lord Stanley, 29 April 1842.

New Zealand House, Broad-street Buildings,
29 April 1842.

My Lord,

As the emigration season for the present year has now begun, it becomes necessary that the Court of Directors of the New Zealand Company should, without delay, bring under your Lordship's consideration a matter of very great importance to their interests. This is the interpretation put by the Government on a material provision in the original agreement with the Company, appended to Mr. Vernon Smith's letter of the 18th November 1840. Under head I. are included all the provisions relating to the retrospective adjustment of the claims of the Company. By virtue of this portion of the agreement we were put in possession of the great bulk of the lands now held by us. Head III. goes on to specify the arrangements proposed "with regard to the powers of the Company, and the terms on which the Government will *hereafter* deal with them." Under this head, the clause numbered 4, runs thus: "4. *For the present*, Her Majesty's Government engage that all sums of money which shall be paid by the Company for the purchase of land in New Zealand shall, whenever such money shall be paid in this country, be laid out in the removal of emigrants to New Zealand; it being left to the Company *from time to time* to determine whether such money shall be so laid out by the Commissioners of Colonial Lands and Emigration, or by the Company themselves, under the superintendence and with the concurrence and sanction of those Commissioners."

This provision was not called into action until last June, when, the Company having offered to purchase 50,000 acres of land, the letter from Mr. Vernon Smith, dated the 4th of that month, signifying the acceptance of the offer, contained the following paragraph:—"Lord John Russell directs me to take this opportunity of stating, that after the emigration of the present season, 50 per cent. of the produce of land sales in this country, both from the Company and from individuals, will be retained for expenses of survey, aborigines, and other necessary charges of the local government."

After some correspondence on the subject between the Company and the Colonial Office, Lord John Russell's final decision was communicated to us by a letter from Mr. Stephen, bearing date the 1st September, which informed us that Lord John Russell adhered to his former decision, for various reasons specified in the letter, and on the ground, that the words "for the present" were "expressly designed to leave Government at liberty to vary or modify their regulations."

It is this decision which we now find it necessary to submit to your Lordship's re-consideration; and without failing in that respect with which the liberal and judicious character of Lord John Russell's policy towards this Company induces us to regard his decisions, we think that, as the very date of Mr. Stephen's letter shows that it was written just as his Lordship was quitting office, it is most probable that the subject may have been disposed of without a very deliberate investigation; and due allowance ought, we think, to be made for the bias which would naturally operate on a minister, when forced to give some answer under these circumstances, to incline towards not taking any step binding his successors to a change of policy adopted under such a pressure. It is the more to be regretted that the final decision should thus have been prevented from being given on the real merits of the question, because the original communications upon the subject from the Colonial Office bear evident marks of abruptness and want of due deliberation. No previous intimation was at any time given to us of the intention to make a change, having so vital an effect on our proceedings: we were abruptly informed that it was resolved on, without the slightest previous warning of its being in contemplation. Neither in Mr. Vernon Smith's letter of the 4th June, nor in any subsequent communication, was the slightest reference made to the existing engagements of the Company, or to its operations then actually in progress. The equity of exempting these from the influence of an unforeseen change in the regulations of the Government would have been admitted, had the whole bearing of the matter been deliberately weighed. And such consideration was especially due to a Company which, like this, had formed all its operations on the principle of anticipating the aid to which it was entitled from Government, by taking on itself all the original expenditure, and waiting to be reimbursed at a subsequent period.

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Now, before entering into the circumstances which prove that the interpretation since put on the words "for the present" actually was not that contemplated by any of the parties to the agreement in which they occur, we might rest our case on the words as they stand in connexion with the whole context, not only of the sentence, but of the entire agreement. That the words are vague, and leave the Government at liberty to vary and modify their regulations, we do not deny; but it does appear to us that the interpretation now put on them is inconsistent with the spirit of the agreement and the actual words of the context; and that the assertion of a liberty thus to modify and vary regulations the moment after they have been made, would render the original agreement absolutely illusory. The stipulation for the employment in emigration of the whole purchase-money paid in this country by the Company was in conformity with a principle of which we had urged the application to all monies paid for land, whether by ourselves or by individuals. The Government refused to apply the principle to *all* purchase-monies, but agreed to let the Company try the experiment with that paid by itself. Viewing it as a trial of a principle of colonization, it surely cannot be said that a period, at which not a month had elapsed since the acceptance of the Charter, at which more than six months had to elapse ere the whole capital required by the Charter was to be paid up, and at which, therefore, the Company could hardly be supposed to have settled itself on its new basis, is such a period as could reasonably be supposed to have been contemplated by either party as sufficient for the trial of such an experiment. This view seems to be borne out by the language of the context. The whole provision is evidently made with a view to a continued period involving *many transactions*. It speaks of "*all sums;*" it says, "*whenever* the money shall be paid in this country." These words could not have been used in contemplation of *one sum* and *one payment*. It is left to the Company to determine "from time to time" whether the purchase-money thus entirely devoted to emigration shall be laid out by themselves or the Emigration Commissioners. Such stipulations could hardly have been made to regulate a single purchase, and *once* is not a natural interpretation of the phrase "from time to time."

But, fortunately, we are not left to conjecture, from the mere spirit and context of the stipulation, the interpretation which was put on these vague words by both parties at the time of making the agreement. That agreement, as may be supposed, was not for the first time brought under the notice of the Company by Mr. Vernon Smith's official letter of the 18th November 1840; a rough draft of it had previously been the subject of much private communication between the Colonial Office and the representatives of the Company; and the various provisions had undergone much explanation, discussion and alteration, ere the agreement was reduced to its present form. It was not probable that the obvious vagueness of the words "for the present," in the very provision regarded by the Company as the most important of all those relating to its future proceedings, should escape its notice, or pass without comment; and the fact is, that they were agreed to by us only on the strength of the most distinct private assurances of the limits within which the Government meant to restrain itself in the interpretation of them. When they were first used on the part of the Government, they were strongly objected to by members of the Company, as having the effect of leaving the future so precarious and so entirely dependent on any and every change of mind at the Colonial Office, as to preclude the Company from making any permanent arrangements, on the assumption that the plan of devoting the whole of its purchase-money to emigration was to be continued. To this it was replied, on behalf of the Government, that the Secretary of State was unwilling to pledge the Crown irrecoverably to an arrangement which future experience might show to be defective; that such a pledge to the Company would be even more binding in good faith on the Government than a clause in an Act of Parliament (which might in case of need be repealed), because it would partake of the character of a private contract, founded on the consideration of the stipulations imposed on us, and confer a privilege which would in fact be a sort of property; and that, consequently, Lord John Russell was desirous of reserving to the Crown a power of altering the arrangement in question, in case it should hereafter turn out not to work well for the public. In order, however, to set our minds at ease as to the mode in which such a power might be exercised, we were over and over again assured that it was the intention of the Government to give this arrangement a fair trial. In speaking of the period at the end of which the Government wished to leave itself at liberty to reconsider the subject, and make any change

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that might be found necessary, the words used by the organ of the Government were sometimes, "some years,"—once or twice, perhaps, "two or three years," but generally "three years;" and the impression left on the minds of those who communicated with the Colonial Office was, that the Government would give no assurance as to what might be done after three years, but that until the end of that period, at any rate, we might feel assured that the provision would not be changed. Upon this explanation, and having regard to the words in the context to which I have before adverted, the Company assented to the clause as it now stands.

The above-mentioned explanation of the sense in which the Government was prepared to act on the words "for the present," was made to a Court of Directors of the Company, by two of their body, Mr. John Abel Smith and Mr. Hutt, in the presence of Mr. Charles Buller, who, as the legal adviser of the Company, had been engaged in personal negotiations with the organs of the Government as to the principles and details of the agreement, and who concurred with them in this explanation of the purport and meaning of the words "for the present."

That the Company relied on these explanations as assurances of the intentions of the Government is shown by the fact that they immediately set about forming their plan of future operations on the basis of the provision that the whole of their future purchase-money was to be exclusively devoted to emigration. By the arrangement respecting our claims in virtue of past expenditure, we became immediately entitled to a large extent of land; and the question arose how we were to dispose of this property for the greatest advantage of the shareholders. Had we looked merely to their immediate interests, and to no lands but those which we had already acquired, the obvious mode of proceeding was to offer these lands for sale at a price somewhat lower than the ordinary price of Crown lands, and to put the proceeds of the sale into the pockets of the shareholders. No stipulation had been made by the Crown to prevent the Company from acting in this manner; and it would have been the duty of the directors, as guardians of the interests of the shareholders, to pursue this course, had they not perceived that the provision made with respect to their future purchases would enable them to adopt a plan more beneficial in the long run for the shareholders, and not only free from all objections on the score of injury to the public (to which the plan of underselling the Crown, and dividing among the shareholders the proceeds of the sale of at least 800,000 acres, certainly was liable), but calculated to promote the public interests in a high degree. The court of directors, therefore, entered into a solemn and public, though conditional, pledge on the part of the Company, that none of the land then actually its own in respect of past outlay should be sold for less than the minimum price of Crown lands for the time being; and that at least 15*s.* per acre of the proceeds of sales should be employed in promoting emigration to the lands sold. This pledge was given in a despatch from the court to the Company's principal agent in New Zealand. We append an extract from that despatch, in order that your Lordship may see how emphatically the pledge was then and there given, and grounded on reasoning similar to that by which we have above explained the course taken by us.

From that extract it will be seen that the single and (as it appeared) sufficient ground on which the Company undertook not to sell at a lower price than the Crown, and to devote at least 15*s.* per acre, or 600,000*l.*, to the sole purpose of emigration, was the provision of which the continuance is now the question. That provision enabled the Company, without disregarding the interests of the shareholders, to consult those of the public by promoting the work of colonization, and thus fulfilling the great object which the Government had in view in its arrangements with them; and it must be observed, that the Company took great care in giving the pledge to accompany it throughout with explanations that rendered it conditional. Thus, in another part of the same despatch, we say that "for the present" we pledge ourselves to expend 15*s.* per acre in emigration. In the extract appended we signify our purpose with a still more distinct allusion to a contingency which may compel us to abandon it. When it was stated that the plan then determined on should be persevered in, "unless some great change should take place in the position of the Company, such as appears to be altogether improbable," we pointed to the possibility of a future alteration of the provision respecting the application of our purchase-money to emigration, but pointed to it with an expression of our conviction of the utter improbability of the contingency, which we had, however, thought it prudent not to pass over in absolute silence.

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The importance to our future operations of the continuance of the provision in question is, however, not only proved by the statements which we have promulgated, and the pledges which we have given, but may be placed in a yet stronger light by describing the plan on which we have actually proceeded in founding our settlement of "Nelson;" and by showing how impossible it would be for us ever again to found a new settlement on a plan so advantageous to the public, unless the benefit of the present provision is continued to us. Your Lordship will, we trust, from the following statement of the plan on which that settlement is launched, draw the conclusion that the proceedings of the Company are calculated to serve public interests by promoting colonization on a large scale, and with an enlightened regard to the civilization, as well as the material prosperity of the emigrant; but the conclusion which it is now necessary for us more especially to impress on you is, that without the aid which we expect to derive from the operation of that provision, such a settlement on lands now to be purchased from the Crown would obviously be a most losing transaction for the Company. At the Nelson settlement we propose to sell 200,000 acres of land, at 30*s.* an acre; but out of this purchase-money the Company undertakes to expend 15*s.* per acre in emigration; 5*s.* per acre for the public purposes of the settlement, including religious endowments, education, and the encouragement of steam navigation by bounties; and 5*s.* per acre for expenses of exploring and selecting the site, the establishment of the settlement, and the furnishing it at the outset with the necessary supplies. It might be easily shown that no settlement on these terms could remunerate the Company, unless the quantity of land required for it were purchased by us,—not taken from our present possessions; and such purchase would be profitable only if the whole of the purchase-money were returned to us on account of emigration. If only half were returned, every such settlement would occasion positive loss; and it is not too much to say, that six such transactions would extinguish the entire capital of the Company. None of the kind, therefore, could by possibility be undertaken on such terms; and thus the consequence of persevering in the proposed alteration of the provision would inevitably be, the abandonment of this efficient and beneficial method of forming new settlements, and the conducting our future operations on a comparatively cramped and feeble plan.

We think we may safely rest our case on the general character of the agreement, and the whole context of the clause in which the words are found, on the assurances received by us respecting the purpose with which they were inserted, and of the meaning that was attached to them by the organs of the Government, and on the fact of our having, in perfect reliance on these assurances, shaped our course so as to render it absolutely detrimental to ourselves, in case the proceeds of our purchases of land were not to be devoted to emigration. We trust we shall have satisfied your Lordship that the interpretation now put on the words, "for the present," is inconsistent with the meaning of both parties at the time of making the agreement, and that the taking advantage of them for the purpose of depriving us of the benefits reserved to us by the provision in question, would render most injurious to us all the arrangements which we have made on the faith of its permanence, and made greatly to the benefit of the public. As far as we can infer from the arguments adduced in Mr. Stephen's letter, for what is there admitted to be a hard, but what we trust we have shown to be not a fair, interpretation of a loosely-worded clause of the agreement, Lord John Russell's adoption of the unfavourable construction of that clause seems to be founded on his having previously conceded to us a relaxation of another clause of the agreement, by which it was stipulated that the lands we might turn out to be entitled to in virtue of our past expenditure should be selected out of the tracts claimed by us by purchase from the natives; and in the last sentence of Mr. Stephen's letter it is apparently admitted that, were it not for our having received this favour, we should have a reasonable claim to a more favourable interpretation of the words, "for the present." But if we have succeeded in showing that the good faith of the Government is pledged to maintain in force the provision of which we are speaking, it will hardly be contended that the relaxation of a condition which we found inconvenient is to give the other party a right of dispensing at its pleasure with some one or other of its engagements to us. The relaxation of the condition respecting the locality of the lands to be selected by us was asked for by us,—and we suppose conceded by the Government,—at least as much in the interest of the public as in that of the Company; and, at any rate, it was a relaxation which we should never have accepted, had we supposed it was to be

purchased

purchased by an abandonment of the very most important advantage secured to us for the future by the agreement with the Government.

But there is another matter adverted to in the letter which we cannot pass over, though the exact bearing of it on Lord John Russell's decision is not explained, and is by no means obvious. His Lordship, we are told, would "observe that, according to the award of Mr. Pennington, the lands thus acquired by the Company will probably exceed a million of acres; a result unforeseen by Lord John Russell, and, as he believes, by the Company themselves, when the original agreement was made." We are not told to what amount of land Lord John Russell supposed that the Company would make out its claim, and what excess above that was sufficient to produce an impression on his mind unfavourable to the application of our purchase-money to emigration; but we can assure your Lordship, that, as we could not be ignorant of the amount of our past expenditure, we never anticipated making good our claim to any extent materially less than that awarded by Mr. Pennington. We must assure you, also, that the misconception on the part of the Government was not brought about by any misrepresentation or undue concealment on our part. We were never called upon, at any stage of the negotiations, to give an approximate estimate of our past expenditure. We cannot positively say that the statement of any precise amount was at any time volunteered by any one on our part; but we feel sure that quite enough was, in the course of the negotiations, stated respecting the amount of money originally subscribed, and of that which had been received at the land sales of the Company; it was stated with quite sufficient distinctness that the greater part of this whole amount had been already expended, and quite enough stress was laid on our additional liabilities to have suggested to the Government some proximate notion of the amount of land it was granting to the Company; and we can very positively state that on one occasion, on which the amount likely to become the property of the Company was very much under-estimated, it was stated in reply that it would be found to be very much larger.

Indeed there is one clause in the agreement, which on its mere face seems to imply a very large amount for the whole claim of the Company; and the circumstances which occasioned that clause to assume its present shape must, we think, have suggested to the Government something not far short of the amount now awarded to the Company. The clause is numbered 6, under head I., and regulates the mode in which the lands to be assigned to the Company in virtue of past expenditure shall be selected by them. The general rule laid down is, that they are to be taken in blocks of not less than 30,000 acres each, and of a certain regular shape; and in the first form in which the agreement was drawn up, this general rule was unaccompanied by any exceptions. When this was shown to those of the directors of the Company who took the chief part in the management of the negotiations, the justice of the general rule, as applicable to the bulk of their lands, was acknowledged, but the necessity of certain exceptions was suggested. It was urged that, in order to enable the Company to obtain isolated spots that might seem desirable for the foundation of towns or public establishments, it would be proper to allow it to choose a limited quantity of land in smaller lots. A more important exception was urged in the case of the two settlements already formed or engaged to be formed by the Company at Port Nicholson and New Plymouth. Here, it was said, that the lands had already been disposed of; that the Company had positively stipulated to give the very best lands in the districts to purchasers fixing upon them; and that in order to fulfil its actual engagements, the Company must have the power of selecting lands about these two settlements without any reference to shape or even continuity. Both these exceptions were admitted by the Government; the Company was allowed to select six blocks of not less than 5,000 acres each; and in the neighbourhood of Port Nicholson and New Plymouth it was to be at liberty to select 160,000 acres where it might choose. With these exceptions, the general rule as to the size and shape of the blocks was to hold good. But you will see that the total amount provided for by these exceptions could not by possibility be less than 190,000 acres, and would probably exceed that number. Unless it were supposed that the operation of the general rule was to bear no adequate proportion to that of the exceptions, the total amount could hardly be supposed to fall short of some such as that awarded by Mr. Pennington.

And now, supposing that our claim on the good faith of the Government were less strong than that we have shown it to be; supposing that, according to the assumption in Mr. Stephen's letter, the Company had obtained an amount of

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public land never contemplated by the Government when it laid down the principles by which our claims, as well as those of other persons, were to be measured; in what way, we would ask, would the alteration of a provision most advantageous to the public be considered as any compensation for the concession of an inordinate quantity of land to the Company? Of the lands thus awarded to us it is not suggested that we should be deprived. The only effect that the alteration of the provision respecting the application of our future purchase-money to emigration can have upon our proceedings is to make us alter our course with respect to emigration and the purchase of land. The suddenness and great importance of this change in a provision on which the directors had based the whole plan of the Company's future operations, cannot but inspire them with doubts as to the entire course of their future proceedings. Their doubts will necessarily spread to the public, and they can only look forward to a reaction of suspicion and fear upon that public confidence and spirit of enterprise which has enabled them to promote emigration to New Zealand, in the course of about two years, to the extent of 6,789 souls, including 685 cabin passengers, possessing amongst them a very large amount of capital for investment in the colony. But the most fatal effect which the alteration of the provision would produce on the operations of the Company would be that of rendering it incumbent on the directors, as a matter of duty to the shareholders, to revert to that very plan of disposing of their present lands which they condemned in the extract above quoted from the published statement of their intentions. It would be the interest of the shareholders at once to abandon the character of a colonizing Company, and sink into that of a mere land-jobbing association,—systematically underselling the Government,—thereby thwarting every attempt it may make to obtain an adequate price for its lands, and thus putting a stop to emigration to New Zealand; and when they had in this way enriched themselves by the gradual sale of their present possessions, to allow the Company to expire without having taken a single further step to promote the national objects contemplated by ourselves as well as by the Government, in the settlement of our claims and position.

On the very different course which we are actually pursuing under the close supervision of the Government, and on the principles to which we have pledged ourselves, it must really be a matter of perfect indifference to the Government, as the guardian of the public interest, what may be the extent of land awarded to us under the principle recognized by it as applicable to all past acquisitions in New Zealand. Whatever may be the quantity, we have engaged to sell none at a less price than that of the Crown lands for the time being, and to devote to emigration at least 15*s.* per acre of whatever purchase-money we may receive for those lands. In the same spirit which guided us in making that engagement with the public, we should feel no repugnance to any stipulation that should give to the continuance of our past course a firmer guarantee than our spontaneous pledges. When we ask for the continued application of the whole of our future purchase-money to the purpose of emigration, we, on our part, are ready to be bound by any provision that may appear sufficient to the Government, both that we shall not at any future time resell any of our lands for a less price than that at the time required for Crown lands, and also that, of the purchase-money received for land awarded to us, we shall expend for emigration at the rate of at least 15*s.* per acre.

We have thought it due to the shareholders, whose interests we represent, and to the colony, the prosperity of which seems to us likely to be seriously retarded by the change of the rule laid down in clause 4, that we should thus lay fully before your Lordship the grounds on which we object to the change contemplated, and that we should request your re-consideration of a course which appears to us neither equitable nor politic. But even if your Lordship's decision on the general question should be unfavourable; if you should hold it right and advisable to abrogate clause 4, and establish a different rule in its place, we think that, without impugning such a decision, we shall be able to show that an exception should be made from it with respect to so much land as is required to complete our arrangements with respect to our Nelson settlement. That settlement was, as we have explained above, undertaken in the early part of 1841, on terms which were most advantageous to the public, but which must be productive of loss to the Company, unless, as we originally contemplated, the whole amount of the money expended in emigration were returned to us; on the plan of returning only half the purchase-money, it would be absolutely and inevitably a losing matter for us to complete that settlement on that plan. But with respect to that

settlement

settlement, we, being bound by our engagements to actual purchasers, cannot abandon that plan: even if we could legally abandon it, we could not do so without loss of character for consistency and proper forethought, and without, therefore, giving those who have already purchased land there, a right to complain of our change of system. We must go on, therefore, and complete the settlement on its present plan; though, with the change of clause 4, this would be to complete it at a dead loss. This loss, on the best calculation made by us, would, even after deduction of about 28,000 acres, which we have either received or are to receive on the old plan, be not less than 18,000*l.*, besides all the expense of our establishments. This would not be fair on us; for, even supposing we were not entitled to rely on the continuance of clause 4 for three years, I think you will admit that we had reason to think it would not be altered; that when we commenced the sale of land in Nelson we had a right to act—indeed we could only act—on the provisions of that clause, which were then, at any rate, in force; and that the Government, even if it be at liberty to adopt another rule with respect to the future, is not equitably free to do so with respect to transactions already entered upon on the previous system. In saying this, I rely not merely on the general policy of not allowing new rules to affect transactions commenced before their adoption, but also on the actual knowledge which the Government had of the plan on which the Nelson settlement was formed some time before its change of purpose with respect to the application of our purchase-money. That change was announced on the 4th of June. But we had communicated the plan of the Nelson settlement on the 3d of April preceding, and had had it acknowledged by the Colonial Office on the 28th of that month.

Whatever, therefore, may be the course with respect to future transactions, we may, I think, fairly ask that, with respect to those involved in the plan of our Nelson settlement, we shall be entitled to the benefit of the old rule; that is, that, to the extent contemplated in that settlement, we shall be allowed to purchase land on the condition of the whole purchase-money being expended on emigration, or (which is the way in which it is practically done) receive land to the amount of our expenditure in emigration.

The sum engaged to be expended by us in emigration to the Nelson settlement is 150,000*l.* For this we ought to receive land at the rate of 20*s.* per acre, with a discount of 20 per cent.: this would be 187,500 acres. But of this we are already, by virtue of the arrangement sanctioned in Mr. Vernon Smith's letter of the 4th June, entitled, as near as we can calculate, to 28,000 acres; after deducting which there would remain 159,500 or 160,000 acres; with respect to which, in order to complete our Nelson settlement, the provisions of clause 4 ought to continue in force; or, in other words, when we shall have expended the whole 150,000*l.* in emigration to Nelson, we ought to be allowed in virtue of it 160,000 more acres of land.

On the grounds of general policy, on which I understand the Government to have made the change to the 50 per cent. plan, a deviation from it with respect to the Nelson settlement would not to any great extent interfere with the purposes of Government. The Government proposes to apply the remaining 50 per cent. to the purposes of the local government; of which, I take it, the principal will be local works and institutions. Now, on the plan of our Nelson settlement, we actually purpose to apply the greater part of this remaining 50 per cent. to public works and institutions, such as churches, a college, schools, roads, steam communication, wharves, &c. So that we purpose applying the greater part of the money to the very objects for which the Government wishes to take it.

Even, therefore, if your Lordship does not think fit to re-consider Lord John Russell's decision with respect to the general rule, and admit our claim to the continuance of the benefits secured to us by clause 4, head III. of the agreement, we trust that you will at least relax the new rule so far as to enable us to complete without loss the settlement of Nelson, which we commenced some time before any notice was given of the intention of Government to change the existing rule. For that purpose we would ask that we be allowed to acquire 160,000 acres, on the condition of receiving back the whole price for emigration.

I have, &c.

(signed) *Joseph Somes,* Governor.

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Enclosure in No. 40.

EXTRACT of a DESPATCH from the Court of Directors to the Principal Agent of the New Zealand Company, dated London, 26 April 1841.

Encl. in No. 40.

4. THE remainder, amounting at least, in so far as the award is at present final, to 800,000 acres, constitutes a property which cannot be estimated in ultimate value, according to the lowest price at which the Crown has determined to sell public lands in New Zealand, at less than 1 *l.* per acre, or 800,000 *l.* This sum the directors feel satisfied that it would be in their power to realize in the course of time by gradual sales, and without further contributions from the Company in respect of these lands to the emigration of people; still less can there be any doubt that, inasmuch as these lands are granted to the Company on the score of past expenditure for colonizing purposes, the Company would be justified in dividing the whole of the proceeds of such gradual sales among the shareholders. But there is a far more important question than the legal and moral right of the Company to sell their lands for the immediate and exclusive benefit of the shareholders,—for the mere purpose, that is, of replacing with profit the capital which has been laid out in acquiring the lands,—and this question is, whether it would be politic, with a view to the ultimate advantage of the shareholders, to adopt such a course. The court are decidedly of opinion that it would not. I am desired to state their reasons for this conclusion.

5. By the charter which it has pleased Her Majesty to grant to the shareholders, they are incorporated; extensive powers are bestowed upon them as a Company; and they are required to increase their capital very largely for the purpose of becoming the principal instrument of the state in the colonization of New Zealand. If the object of this charter should be fulfilled, the operations of the Company will not be confined to the disposal of lands acquired by means of past expenditure and liabilities, but will extend to further purchases from the Crown, to the conduct of emigration in proportion to such further purchases, and to the formation of settlements in whatever part of the islands natural circumstances may hold out the prospect of gain by such undertakings. The directors, therefore, feel it incumbent on them to consult, not merely the present advantages of the shareholders, but also their future interest; which, with good management, will be in proportion to the magnitude of the Company's future proceedings. As the Company has future objects of such importance in view, the directors think that it would be a narrow and short-sighted policy on their part to dispose of the Company's present property in land for the mere purpose of putting money immediately into the pockets of the shareholders. It appears to them of essential importance to the greatest prosperity of the Company in the long run, that in the disposal of every acre of land that may come into its possession, the principle of colonization on which the Company was founded, and to which it has thus far faithfully adhered, should be as strictly observed as if there were a legal obligation to that effect. If the directors were now to sell any land for a less price than that which is required by the Crown, or without providing emigration in proportion to the land sold, that principle of colonization would be set at nought.. Evils of various kinds could not but ensue. The Crown would be undersold in the land market, and Her Majesty's Government would have just cause to repent of the liberal arrangement that has been made with the Company. Emigration not being supplied in proportion to private property in land, labour would be more scarce; and not only would the colonists generally have reason to complain of a public injury, but those who had before bought land of the Company, and whose purchase-money had furnished the means of emigration in proportion to the extent of that land, would be seriously damaged, by finding the labour which they had imported taken away from them by other buyers of the Company, who had not provided for any emigration. The first purchasers would almost have a right to complain of bad faith on the part of the Company, which has always held out the prospect that not less than 15 *s.* per acre would be devoted to emigration. In this way, the prosperity of the settlers would be checked, and the Company's character for public spirit and faithful adherence to its engagements would be damaged. In the end, the shareholders would be the greatest sufferers. The directors have resolved accordingly, that, unless some great change should take place in the position of the Company, such as appears altogether improbable, none of the land acquired by means of past expenditure shall be sold for less than the general minimum price of Crown lands, viz. 20 *s.* per acre; and that not less than 15 *s.* per acre of the proceeds of sale shall, as heretofore, be devoted to emigration.

6. The directors are, moreover, satisfied, that, in thus providing against injury to the settlers, and to the character of the Company, they make no sacrifice of the merely pecuniary interest of the shareholders. Whatever may be the amount of emigration outlay in respect of lands already the property of the Company, that sum, paid from time to time in emigration, conducted by the Company, under the superintendence of Government, will constitute, in effect, the purchase-money of more land for the Company, which again may be resold, with a similar provision for emigration. This second emigration will again purchase more land, and so on continually, until it shall no longer be expedient, either for the Government or the Company, that more labourers should be conveyed to New Zealand, when the proceeds of the sale of all lands remaining to the Company will fall to the shareholders, in the shape of profits and replaced capital. This view of the course of operations is illustrated by the plan of the second colony. Supposing the lands forming this second settlement to be taken from those acquired by past expenditure, their sale will, nevertheless, provide a fund for emigration, amounting to 150,000 *l.*; and this sum, according to Lord

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John Russell's arrangement with the Company, will constitute the purchase-money of other lands. Those other lands being treated in the same way, care always being taken that the expenditure for emigration shall not be less per acre than the price paid to the Crown for lands, the colonizing operations of the Company might proceed, without the employment of any further capital. It is not, however, intended by the court, as you will see presently, to make arrangements for sparing the use of the Company's capital in colonization; I am desired to show how it might be spared, only for the purpose of explaining that it will be rather advantageous than injurious to the holders of the Company's stock to make the sale of the lands granted to the Company in respect to past expenditure provide for emigration, at the same rate per acre as the purchase of other lands from the Crown.

—No. 41.—

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 24 May 1842.

No. 41. J. W. Hope, Esq. to J. Somes, Esq. 24 May 1842.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 29th ultimo, and to make to you the following communication of his sentiments upon the subject.

Your letter contains an appeal from the New Zealand Company against a decision of Lord John Russell, communicated to them on 4 June 1841; and, after some correspondence on the subject, finally confirmed by him a few days before he quitted office.

The grounds on which that appeal is made are, that the departure from the terms of the original agreement then announced was not consistent with the letter of that agreement, and if with the letter, not with the spirit and understanding which prevailed between the parties; and the application itself is, first, that Lord Stanley would altogether rescind the decision and revert to the original terms; or, failing that, that his Lordship would dispense with the application of the rule as it applies to the "Nelson settlement."

In reference to this important case, Lord Stanley has most anxiously considered the original terms and the subsequent amendment, with an earnest desire to satisfy any just claims of the New Zealand Company, founded not only on the letter, but on the spirit of their contract. In doing so, however, Lord Stanley feels that he must altogether exclude from his consideration all that part of the argument which is founded upon private conversations said to have taken place, and instructions said to have been given, and said to have influenced the Company in signifying their assent; but of which no record of any description exists, and on which, consequently, even if they could be considered as in any way official, reference must be had to individual recollection only. And his Lordship cannot but express his regret, that in a document officially addressed to the Secretary of State, so large a portion of the argument should have been founded on such references; more especially as the Company must be aware that the gentleman to whom they refer does not assent to the accuracy of the statements made, and yet that he has no means at his command of corroborating his own recollections of several private conversations, on which the Company rely for the explanation of the terms of a contract with the Government, involving the expenditure of many hundred thousand pounds. Lord Stanley further cannot but remark, as at least singular, that the charge against the Government of breach of faith, founded upon the alleged understanding which rested on those conversations, was never brought forward in the course of the correspondence which took place from time to time during the three months that Lord John Russell remained in office after he had communicated the intended change; but that on the contrary, in addressing the framer of the agreement, in reference to the contemplated change, it is admitted, in the month of July, that the Company had been "partly prepared" for it by a letter bearing date the 2d December previous. Omitting, therefore, as Lord Stanley feels bound to do, all reference to private "conversations" and "understandings," his Lordship looks to the official records of the transactions between the Government and the Company as those by which alone he must be guided.

Lord Stanley finds heads of agreement proposed by the Government on the 18th November 1840, and thankfully accepted by the Company on the following day, relating to the terms on which the Company was to be incorporated by charter, to arrangements in reference to land to be granted in consideration of expenses already incurred by the Company, and to the terms on which future purchases of land should be made, and the purchase-money of such lands applied.

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The two latter propositions were kept perfectly distinct, under two separate heads, and were, in fact, as it is important to consider them, two independent parts of the same transaction.

In virtue of the first of these, the Company acquired the right to the selection, within certain limits, of an amount of land, to be ascertained by reference to antecedent proved expenditure, at the rate of 5*s.* per acre, the extent of which is still uncertain, but which has been roughly estimated at somewhere about 1,200,000 acres. The Company state, and as far as documentary evidence goes, with apparent correctness, that "at no stage of the negotiations were they called upon to give an approximate estimate of their past expenditure," nor, consequently, of the proportionate amount of land which they were to receive. Whether, however, that quantity were larger or smaller, they were to receive it in consideration of past expenditure, and without any money passing between the Government and the Company, or any engagements entered into on the subject of emigration.

The last head of the agreement had reference to future purchases; in regard to which it was stipulated, "that if the Company shall at any time purchase from the Government 50,000 acres of land, and pay for the same in ready money," a discount (the amount left blank) should be allowed; that all lands sold to the Company should be subject to the general rules affecting all other lands; and that for the present, all sums of money paid in this country by the Company for the purchase of land in New Zealand should be laid out in the removal of emigrants to New Zealand.

On the 2d December following, Lord John Russell, in a further communication to the Company, stated the general policy which it was the intention of the Government to pursue in reference to the colonization and administration of New Zealand, adding at the same time, that he desired it "to be distinctly understood," that "he entered into no pledge, either express or implied, as to the continuance of that policy, if at any future time it should be thought right to change, or to abandon it." He then discloses his "present views" as to the general conduct of the colony, and intimates, that on the sales of all lands, "at least 50 per cent. shall be applied towards the introduction of emigrants." Whatever may be his opinion as to the inequality of the terms thus guaranteed "for the present" to the Company and to private settlers, Lord Stanley feels bound to admit, that he thinks it was clearly intended to draw the distinction; and that at that time the Government had no intention of altering the terms with respect to land to be purchased by the Company.

In the month of May, application was for the first time made under the terms of this agreement for the purchase of 50,000 acres; in assenting to which, under the condition that the whole transaction should be completed before the close of the month of November, Lord John Russell informed the Company, that, after the emigration of that year, the rule of 50 per cent. should apply to the Company, in common with all other purchasers of land. Against this decision the Company appealed, though ineffectually, to Lord John Russell himself, and they now renew their appeal to Lord Stanley.

Upon the wording of the original agreement, Lord Stanley considers that there cannot be a question but that Lord John Russell had a perfect right to make this change. The words used, as the Company admit, are "vague," and are studiously inserted with the view of "leaving the Government at liberty to vary and modify their regulations;" and, on the other hand, his Lordship frankly admits, though no party to the transaction, that in November 1840, it does not appear to him that the Government contemplated so early an alteration of the rule which they laid down "for the present." While, therefore, he admits no breach of faith, and claims for the Secretary of State, in June, the full and entire right of acting as he did, he is ready to enter on the inquiry, whether the Company were injuriously and unjustly affected by the early alteration of the rule.

That a Company,—which, by agreement with the Government, has obtained, under limitations, which have since been much relaxed, a right which it is estimated will give them the power of selecting about 1,200,000 acres, at 5*s.* per acre, in a colony where the minimum price of all Crown land is fixed at 20*s.*,—has any ground to complain of injustice in being subjected, in reference to its future purchases, to the same conditions as all ordinary settlers, Lord Stanley cannot for a moment admit; and, believing that the rule laid down of reserving to the Crown at least the discretion of applying one-half of the gross proceeds of the

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land sales to the purpose of the surveys, the benefit of the aborigines, and even the general expenses of the Government, is in itself sound and judicious, he cannot assent to the proposition that its application should be interfered with, by an indefinite "understanding" of one of the parties to a contract which is contradicted by the terms of the contract itself. Lord Stanley admits, however, that the early alteration of the terms renders it imperative on the Government to inquire whether the Company were damnified by the sudden and unexpected change.

In support of the allegation that they have been so damnified, the Company state that, on the faith of the continuance of the terms set forth in the letter of the 18th of November, they proceeded to form their plans, and in February laid down the scheme for a second settlement, which scheme was communicated in full to the Colonial Office on the 3d April, and acknowledged on the 26th. That the new rules were not promulgated till the 4th June; and that in the interval, on the faith of the continuance of the original plan, they had entered into engagements with individuals which they were bound to fulfil, but which subject the Company to a dead loss, unless the whole proceeds of their purchases, to the amount of 200,000 acres at least, be allowed to be laid out in emigration. In seeking to establish this last proposition, the Company do not distinctly state the data on which they proceed, but they do state that they have bound themselves, by their engagement, in a sale of 200,000 acres, to lay out at least 15*s.* on emigration, and 5*s.* on public works. Supposing, therefore, that this land were to be purchased of the Government at 1*l.* per acre, minus the discount of 20 per cent. or 16*s.* per acre, their outlay would be 160,000*l.* for the purchase, and 200,000*l.* for emigration and public works; in all 360,000*l.*

On the other side of the account would be 300,000*l.* for the sale, at 30*s.* per acre; and 80,000*l.* returned by the Government for emigration; leaving a balance in favour of the Company of 20,000*l.*, which probably would not be sufficient to defray the necessary expenses and profit on their capital. On the other hand, if the whole of the purchase-money were returned in the shape of emigration, the transaction would leave, on a temporary advance of 160,000*l.*, a clear balance in favour of the Company of no less than 90,000*l.*; besides a sum of 10,000*l.* paid by the Government for emigration, over and above the whole amount of 150,000*l.* covenanted to be paid for that object by the Company.

But, in truth, no such plan was ever in contemplation in respect of the Nelson settlement; it was not contemplated by the Company to advance a single shilling of their own money, or to buy an additional acre of the Government, unless out of the proceeds of the sale of that settlement. It was intended to sell, at a large profit, a portion of the lands previously acquired by the Company, and after furnishing an ample dividend, to invest the remainder in fresh land.

That this was the case, Lord Stanley considers is abundantly clear.

In the terms of the Company's prospectus issued on the 15th of February, it is stated to be the intention of the Company to form a second settlement "upon its territories in New Zealand." In communicating this intention to Lord John Russell on the 3d April, Mr. Bell informed his Lordship that "the Company had already disposed of a large quantity of land under the regulations for its second colony;" a step which could hardly have been taken, except with reference to land to which, at the time of making the sale, the Company were actually entitled. But to remove all doubt as to the intentions of the Company, Lord Stanley would observe, that the single object with which any communication on the subject was made to Her Majesty's Government was to point out the inconvenience under which the Company laboured, and from which they prayed to be exempt in reference to their second settlement, arising out of the restrictions as to the limits within which their land was to be included; a restriction which applied only to land which they were to select in virtue of their previously existing rights, and not in any respect to land which might be the subject of future purchase.

The intention thus manifestly being not to purchase new land, but to dispose of a portion of that to which they had already acquired a claim, the question of the amount of purchase-money to be expended in emigration never arose; and Lord Stanley can, therefore, attach no weight to the argument, that from the 3d April to the 4th June, the Government were cognizant of the engagements into which the Company had entered, and by their silence had virtually sanctioned those

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engagements, as to the continuance of the existing regulations in respect to the portion of purchase-money to be expended on emigration.

The financial nature of the scheme adopted by the Company was as follows:— Having bought 200,000 acres for 50,000 *l.*, they sell them again at 300,000 *l.*, covenanting, however, to make an outlay of half the price on emigration; and 50,000 *l.* more on other public objects, leaving a balance in their favour of 100,000 *l.*, or, in other words, giving them back the original price of the land, with cent. per cent. for expenses and profit. The Company state, that six such transactions would exhaust their entire capital. It is true, that six such transactions would have exhausted the whole of the land which is estimated to have been originally acquired by the Company; but the result of the process upon the terms contended for by them would have been, that they would have received 300,000 *l.* to meet expenses and profit upon 300,000 *l.* outlay, besides acquiring, in virtue of an expenditure, not of their own money, but of that of the purchasers, of 900,000 *l.* on emigration, a title to above 1,100,000 acres of land in lieu of the 1,200,000, which it is assumed they would have sold.

This is, in point of fact, the transaction, to the extent of one-sixth of its amount, which Lord Stanley is called upon to sanction, by rescinding, in reference to the Nelson settlement, the regulation introduced by his Lordship's predecessor, by which one-half only of future purchases shall be applied to the purposes of emigration; on the ground that, except on the understanding that they would obtain additional land to the full amount of the sums laid out in emigration, the Company could not have offered to the Nelson settlers the terms which they did without serious loss. It is necessary to examine precisely how this case stands. Apart from the question of land at all, it has been seen that the Company make cent. per cent. on their original investment of 50,000 *l.* But in addition to this, even under the system of 50 per cent. of which they complain, they have the advantage of being enabled to defray any portion they may think fit of the emigration for which they have covenanted, upon purchasing a proportionate amount of land, at a price which to them will be in fact only 8*s.* per acre, or only two-fifths of the amount which is charged to the ordinary settler.

Great, however, as these advantages are, Lord Stanley is aware that it may be said with truth, that, at the time when the Company formed the second settlement, they had reason to believe that they would be greater still; that of the 50,000 *l.* which has been assumed, over and above the return of the original purchase-money, for profit and expenses, the larger portion is absorbed in the latter, and that there is even granted to the settlers an indefinite pledge of the application of a contemplated surplus to public purposes in the settlement. Lord Stanley is desirous, on the part of Her Majesty's Government, of dealing equitably and liberally with a Company which has made great, and hitherto, his Lordship has pleasure in adding, successful exertions in promoting the settlement of New Zealand; and, although he cannot admit the claim which the Company put forward, of a grant of land equivalent to the full value of the amount which they are bound to expend on emigration, he is willing to undertake, on the part of the Government, that, of the purchase-money of the first 100,000 acres to be bought by the Company of Her Majesty's Government, while one-half is applied to the purposes of emigration, the remaining half shall be expended on such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government.

Lord Stanley trusts that in this offer the Company will recognize the readiness of the Queen's Government to give every fair consideration to the past exertions and to the future prospects of the Company. His Lordship must, however, add, that these 100,000 acres must be taken in not more than two separate blocks, and subject to all the conditions, as to size and figure, to which the Company was subjected by the rules laid down in sec. 6, under head I., of the agreement which accompanied Mr. Vernon Smith's letter of the 18th November 1840; and further, that the selection of the land must be made within a twelvemonth of the date of this letter.

It must be understood, however, that this expenditure will be allowed for only in proportion to the amount which the Company shall from time to time prove, to the satisfaction of Her Majesty's Government, to have been laid out in defraying the expenses of emigration to that settlement, in conformity with the conditions offered to the original settlers.

It is necessary that, at the same time that Lord Stanley makes this offer to the

Company,

Company, he should also distinctly apprize them, that this must be the last transaction betwen the Company and the Government, in which the former will be permitted to *claim* any peculiar advantages, and that, with this exception, they will hereafter be placed upon the footing of all other companies or individuals engaged in "purchasing, selling and making a profit of lands." Lord Stanley has not come to this conclusion without full consideration of the comparative advantages and disadvantages which may attend it, nor without having fully satisfied himself that, while the Company, acting within its appropriate limits, and cordially encouraged by the local government, may and will do much to advance the prosperity of the colony, it is not for the advantage of the public that the arrangement should be continued, by which, in virtue of an original outlay, they will successively become the purchasers and sellers of nearly the whole extent of land in the colony.

In Lord Stanley's judgment, the inconvenience arising from the continuance of such a system would more than counterbalance the possible, and perhaps probable, temporary diminution of the revenue arising from land sales, which would be consequent on a change of system by the Company. It is no doubt true, that, with the large amount of land now in their possession, they may be enabled for a time to undersell the Government at a profit; but it is, to Lord Stanley's mind, equally clear that they cannot do so without at the same time promoting to an equal extent the really national object of the immigration into the colony of those settlers who are to give value to their vast possessions; and on this head he has no fear of any injurious or unfriendly rivalry between the Company and Her Majesty's Government.

The importance of the topics which Lord Stanley has had to treat will sufficiently explain the short delay which has taken place in replying to the letter of the 29th April; and, in conclusion, he can only assure the Company, that the instructions sent out to the Governor will enjoin him on all occasions to give the most favourable consideration to representations which the Company's agents may make to him on public matters; and in the discharge of his legislative and administrative functions, to afford the amplest protection, encouragement and countenance to those who may settle upon the lands belonging to the Company.

I have, &c.

(signed) *G. W. Hope.*

—No. 42.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,

My Lord, 10 June 1842.

No. 42. J. Somes, Esq. to Lord Stanley, 10 June 1842.

ON behalf of the directors of the New Zealand Company, I have the honour to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 24th ultimo, relative to the claim of the Company, that "for the present," the whole of its expenditure in emigration shall be repaid to it in land, at the current rate of the public sales, and to express to your Lordship the satisfaction which the favourable tone of this communication has given them.

At the same time the directors must be permitted, with great respect, to state their regret that your Lordship should have deemed it proper to decide the matter at issue, so important to the interests of the Company, upon the letter of the printed agreement exclusively, with an absolute repudiation of all reference to conversations, assuredly of a public and official character, the substance and result of which that agreement was intended to embody and carry out, upon the faith of which large and expensive operations were immediately entered upon, and the tenor of which is vouched for, on behalf of the Company, by the concurrent testimony of so many gentlemen.

Having considered it due to themselves and the Company to say thus much with reference to past transactions, the directors will refrain from any repetition of the arguments by which they urged on your Lordship their application for 150,000 acres, on the terms of purchase guaranteed, in the first instance, by the agreement of November 1840. But they deem it essential to correct a misunderstanding of the stipulations entered into between the Company and the purchasers

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of land in their second settlement of Nelson, which appears to run through the whole of Mr. Hope's letter, under acknowledgment. It is assumed that, according to the plan upon which that settlement was formed, the Company, "having bought 200,000 acres for 50,000*l.*, sell them again at 300,000*l.*, covenanting, however, to make an outlay of half the price on emigration, and 50,000*l.* more in other public objects, leaving a balance in their favour of 100,000*l.*; or, in other words, giving them back the original price of the land, with cent. per cent. for expenses and profit." In a subsequent passage it is still more broadly stated, "that the Company makes cent. per cent. on their original investment of 50,000*l.*;" and this position is only qualified by an admission that it may be urged on behalf of the Company, that, "of the 50,000*l.* which has been assumed, over and above the return of the original purchase-money, for profit and expenses, the larger portion is absorbed in the latter, and that there is even granted to the settlers an indefinite pledge of the application of a contemplated surplus to public purposes in the settlement."

But if your Lordship will do me the favour to refer to the stipulations by which the Company bound itself to the colonists of Nelson, to carry into effect the foundation of that settlement, you will find that the whole purchase-money is divided into four parts, one of 150,000*l.*, and three of 50,000*l.* each; that the first sum is devoted exclusively to emigration, one sum of 50,000*l.* to public purposes in the settlement, the second to the expenses of choosing the site and establishing the settlement, with an absolute reversion of any surplus to the fund for public purposes, and the third only to the profit and general expenses of the Company, to neither of which can a fraction of the foregoing sums, under any circumstances, be applied. The matter, therefore, really stands thus:—When the whole of the lands which constitute the settlement of Nelson shall have been disposed of, the Company will have sold 200,000 acres at prime cost, namely, 50,000*l.*, under a stipulation that the purchasers shall pay, out of a fund formed by a voluntarily enhanced price, the expenses of selecting and establishing the settlement, leaving the Company to defray all its general charges, as well as to reap its own profit, and to cover all its risks, out of the sum of 50,000*l.* above mentioned.

After this plain statement of the real facts of the case, and begging that it may be borne in mind that the paid-up capital of the Company is 200,000*l.*, and the expenses of their establishments, &c., as stated in my former letter, 17,000*l.* per annum on the lowest calculation, exclusive of about 10,000*l.* for Nelson itself, the directors respectfully entreat your Lordship to consider whether, under this absolute limitation of possible pecuniary profit from the transaction, it is likely that men of ordinary prudence should have embarked in a scheme of so much labour, anxiety and responsibility as the formation of the settlement of Nelson, unless they had been entirely convinced that, under the agreement of the 18th November 1840, the Company would receive an additional compensation, in the shape of a grant from the Crown, of a quantity of land corresponding in number of acres, plus the stipulated discount, to the number of pounds sterling expended by them in emigration. Under no other expectations could the transaction have been regarded by the most sanguine as possibly remunerative. And of this, with its consequential inference as to the impression upon their minds at the time when the plan of the settlement was originally proposed to the public, the directors feel assured that your Lordship would be convinced, if you would form an estimate in your own mind of the exertions, and the expense of time, thought and anxiety, as well as of money, by which alone such a system of colonization as, your Lordship is pleased to admit, the Company has hitherto successfully conducted, can be carried into execution.

Your Lordship, after expressing "an earnest desire to satisfy any just claims of the New Zealand Company," and stating that you "cannot admit the claim which it puts forward to a grant of land equivalent to the full value of the amount which it is bound to expend in emigration," expresses your willingness "to undertake, on the part of the Government, that of the purchase-money of the first 100,000 acres to be bought by the Company of Her Majesty's Government, while one-half is applied to the purposes of emigration, the remaining half shall be expended on such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government."

The directors are so anxious that the point in difference should be finally and amicably settled, that, notwithstanding their feeling that your Lordship's offer falls greatly short of their equitable rights under a fair construction of the agree-

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ment of November 1840, they are well disposed to close with it generally. But, at the same time, they would hope that the amount of land conceded to them on the terms specified in the foregoing quotation, be extended to the quantity necessary to be in accordance with what appears to them to be your Lordship's own views of the grounds on which the Company may justly claim consideration at the hands of the Colonial Department. Care must also be taken that your Lordship's intentions with respect to the expenditure of a moiety of the purchase-money of 100,000 acres in public works shall be distinctly stated to be in unison with their present understanding of the proposal.

As regards the first point, the principle of that proposal appears to be that the New Zealand Company shall not lose any part of the real value of the land upon which the Nelson settlement is founded, in consequence of its having relied on the continuance in force of the stipulation in regard to the repayment in land of the whole expenses of emigration, and, therefore, having conceded terms more favourable to the purchasers of its land than it could otherwise have prudently made. Now, it is manifest that the 200,000 acres in question were worth, at the time, at least 100,000*l.* clear. The Company might certainly have sold them at the minimum price at which the Government sells land in New Zealand, namely, at 1*l.* per acre, with an undertaking to spend half the purchase-money in emigration. The land may, therefore, be considered as worth to the Company a clear 10*s.* an acre. It is true, that this price is double the rate at which the Company obtained the land; but this concession of land at 5*s.* per acre, in consideration of foregone expenditure, was no peculiar boon to the Company, but was granted to that body, in common with all other parties who had similarly acquired land by *bonâ fide* purchase from the natives, previously to the assertion of the sovereignty of the British Crown over New Zealand. There was no reason why the Company should not have been able to sell, and should not have sold, the 200,000 acres in question for 10*s.* per acre, as well as the Government or any other individual. Indeed, there is an obvious reason why, if the directors had thought fit thus to act, they might have found it much more easy to sell land at this rate than the Government. The Government sells land at a minimum price of 1*l.* per acre, with an undertaking to spend half of the purchase-money in emigration. But the purchaser from the Company at 10*s.* per acre would have derived exactly the same benefit from the immigration of labourers, as the purchaser from the Government at double that price, with the additional advantage of having 10*s.* per acre in his pocket, wherewith to outbid the other party in the competition for labour.

But, in forming the Nelson settlement, the directors relied confidently upon the stipulation in the agreement of November 1840, now under discussion, and they therefore sold the land at cost price, undertaking, moreover, to defray, out of that price of 5*s.* per acre, all the expenses of the Company essential to the conduct of its affairs in relation to the colony, but not immediately connected with the establishment of that particular settlement, including the whole cost of its home administration. It is manifest, therefore, that in consequence of this reliance, the Company will lose 50,000*l.* of the price which it might reasonably have expected to obtain for the land in the ordinary market of the colony, without reckoning all the expenses entailed upon it by the obligation under which it has come, to establish, and to a certain extent support, the community which it has been the means of bringing together,—expenses which would have been altogether saved, if the directors had sold its land indifferently to any purchaser at 10*s.* per acre, without having any connexion with him beyond the mere acts of sale and transfer.

The directors believe, as stated in a former passage of this letter, that it is your Lordship's wish to prevent this sacrifice, incurred by their reliance upon the agreement above cited. But this object will not be fully effected by allowing them, as proposed by your Lordship, to purchase 100,000 acres, with the condition that the whole of the purchase-money shall be restored to them for emigration and public works. The grant must be in *ready money*, to place the Company in the same position as it would have been in if it had sold the 200,000 acres of Nelson for 100,000*l.* clear. If it be intended to compensate the Company for this loss, the land to be acquired by them, on the terms proposed by your Lordship, ought to be worth 50,000*l.* in ready money.

But 100,000 acres conceded when the sale of land constituting Nelson shall have been completed, and the conditions of expenditure in emigration and public

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works fulfilled, will not be worth 50,000*l.* in ready money. Though the value of land in New Zealand be admitted to be 10*s.* per acre, such a price could not be realised at once for such a quantity of land. The Company must either wait to get rid of it piecemeal as customers offered, undergoing, in the meanwhile, the expense of maintaining large establishments at home and abroad, or it must consent to a considerable discount in order to get rid of the whole at once; and this discount, in the judgment of the directors, could not be less than that of 20 per cent. allowed to the Company by the Government. Under this calculation of value, therefore, the Company will require 125,000 acres to make good its sacrifice of 50,000*l.*; and they respectfully submit that they ought, upon the principle which appears to have guided your Lordship's decision, to be permitted to purchase this amount of land, instead of 100,000 acres, on the terms proposed by your Lordship. This addition is necessary to make up the difference between the realised price of 100,000 acres at 10*s.* an acre, a price which the Company has foregone, and the value of 100,000 acres remaining to be sold. And even this concession will by no means be clear profit. It will, indeed, be over and above the repayment to the Company of the 50,000*l.* originally paid for the land constituting the settlement of Nelson; but it must be borne in mind that a considerable time has passed since the plan of that settlement was originally laid before the public, and that during that interval, at present, and prospectively, the Company has been, and must be, at very heavy annual charges for the efficient management at home and abroad of its large and complicated affairs.

With respect to the expenditure of one-half of the purchase-money of the land which your Lordship may finally agree to concede, "on such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government," the directors beg to state, that such an application of the purchase-money would be perfectly satisfactory, if the public objects in question were specifically stated to be those to which the Company is pledged by its terms of sale to apply 100,000*l.* out of the 300,000*l.* for which it proposes to sell the settlement. Whether or not such purposes are those of primary importance to the settlement, whether the Company has agreed to them wisely or not, matters nothing,—because these are the purposes to which the Company has pledged itself to apply this portion of the money. The purchase-money of the land under your Lordship's proposal must be applied to these purposes, and to these alone, if the application of it to the public purposes of the settlement is to relieve the Company in the manner proposed. It seems to the directors, therefore, that instead of proposing to apply the money to "such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government," it would be proper to say specifically, "to such of the public objects specified in the terms of purchase of the Nelson settlement, dated 15th February 1841, as shall be agreed upon between the Company and Her Majesty's Government."

Only one other point seems to demand specific notice. Your Lordship requires that the land conceded should be selected within twelve months of the date of the letter under acknowledgment, stating at the same time, that the expenditure on emigration, which is to constitute one-half of the purchase-money, "will be allowed for only in proportion to the amount which the Company shall from time to time prove, to the satisfaction of Her Majesty's Government, to have been laid out in defraying the expenses of emigration to that settlement (Nelson), in conformity with the conditions offered to the original settlers." But it might be positively injurious to the settlement, by overstocking the labour-market in relation to the capital necessary for its employment, to send out a large body of emigrants requisite to make good the moiety of the proposed purchase-money within the few months necessary, under the stipulation above cited, to admit of the land being selected within a year in so remote a colony; and it is still more obvious, that it would be injudicious in the extreme, even if possible, to make the necessary outlay on public objects within that brief term. At the same time, if such be your Lordship's wish, the directors could not, of course, object to selecting the land as required, leaving its eventual confirmation to them, in full property, contingent upon their fulfilment of the terms of payment.

The directors cannot conclude this letter without offering to your Lordship their acknowledgments of the generous spirit in which you have done justice to the objects of the Company, and to the manner in which they have been hitherto pursued; as well as their cordial thanks for the tenor of the instructions which

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your Lordship proposes to issue to the Governor of New Zealand, in relation to the interests of the Company, and of the parties who have settled in that colony in connexion with it. They beg to assure your Lordship, that it is their sincere conviction that the interests of the Company, largely considered, are entirely identical with those of the community; and of their earnest desire to be permitted to become the instruments of effecting the largest possible measure of that public good which your Lordship is pleased to say, that "the Company acting within its appropriate limits, and cordially encouraged by the local governments, may and will accomplish." But the directors are satisfied that, under a wise system of relations with the Colonial Department in this country, combining effectual superintendence and control with countenance and support, the organization of the Company, and the means which it possesses of enlisting private enterprise and energy in realization of the general views of the authorities upon whom it devolves to lay down the principles of national colonization, qualify it to render far greater service to the public than it has ever yet done, or than your Lordship appears to contemplate in the passage quoted above from your letter under reply. A long practical acquaintance with the subject, both in regard to the formation of the nucleus of settlements at home and to their actual establishment abroad, has convinced the directors that neither the Government nor the most powerful Company can alone effect any considerable part, measured by the extent and value of the attainable whole, of that public advantage which the two, acting harmoniously in their respective spheres of action, might easily achieve. The directors are led by their anxiety to further the prosperity of New Zealand, and, encouraged by the tone of your Lordship's letter, frankly to state their readiness to place at your Lordship's disposal all the means that they possess to give the most immediate and effectual impetus to the advancement of the colony. In making this tender of their services to effect the great public objects in their contemplation, they desire it to be understood that they are quite willing to bring all the affairs and all the plans of the Company under your Lordship's cognizance; and that they are ready to give, on an intimation of your Lordship's wishes on the subject, the most unreserved explanation of the manner in which they believe that the views which they have stated in general terms may be carried out in practice and detail. They need scarcely add, that they would give their most attentive consideration to any suggestions for the most beneficial administration of the affairs of the Company with which your Lordship might honour them.

I have, &c.

(signed) *Joseph Somes*, Governor.

—No. 43.—

Copy of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 22 June 1842.

No. 43. G. W. Hope, Esq. to J. Somes, Esq. 22 June 1842.

I am directed by Lord Stanley to acknowledge the receipt of your letter of the 10th instant, written with reference to the intimation contained in mine of the 24th ultimo, of the extent to which his Lordship was prepared to meet the claim of the New Zealand Company for the appropriation to emigration of the whole amount which they may for the present expend in the purchase of land in that colony.

It appears from your letter that the Company accept the offer made by Lord Stanley on the part of the Government, with three qualifications. That offer was, that of the purchase-money of the first 100,000 acres to be bought by the Company of Her Majesty's Government, while one-half is applied to the purposes of emigration, the remaining half shall be expended on such public objects connected with the Nelson settlement as shall be agreed on between the Company and Her Majesty's Government; and it was added, that those 100,000 acres must be taken in not more than two separate blocks, and subject to all the conditions as to size and figure to which the Company was subjected by the rules laid down in section 6, under head I. of the agreement which accompanied Mr. Vernon Smith's letter of the 18th November 1840; and further, that the selection of the land must be made within a twelvemonth from the date of my letter proposing the arrangement. The qualifications of this arrangement sought by the Company are—First.

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That it should be made to apply to the purchase of 125,000 acres, instead of 100,000; and this modification is urged on the ground that, had the Company sold their land on the same terms as the Government, instead of under the special conditions on which they did dispose of the lands, they would have realized 100,000*l.* in ready money, instead of obtaining it only in land liable to be held for some considerable time before it could be disposed of.

Lord Stanley had already given a full and attentive consideration to every circumstance of the case, and he directs me to state that he cannot accede to this proposal, nor concur in the argument on which it is founded.

The second modification proposed is, that, instead of arranging to apply the purchase-money to "such public objects connected with the Nelson settlement as shall be agreed upon between the Company and Her Majesty's Government," it would be proper to say specifically, "to such of the public objects specified in the terms of purchase of the Nelson settlement, dated 15th February 1841, as shall be agreed upon between the Company and Her Majesty's Government."

Lord Stanley will not object to admit distinctly, that the public works here referred to are to be the same as those which the Company had so agreed with their own purchasers to execute.

The third modification proposed relates to the time within which the selection of the land is to be made.

On this point Lord Stanley directs me to state, that he will not object to the course proposed by the Company, viz. that they shall select the land within the required time, leaving its eventual confirmation to them in full property contingent upon their fulfilment of the terms.

Lord Stanley reserves to himself, however, the right of requiring that the terms shall be complied with within a reasonable time, under penalty of the forfeiture of a proportionate amount of the land, which it would be obviously inexpedient to keep indefinitely under an unconfirmed agreement. On this point Lord Stanley does not anticipate any practical difficulty.

I have, &c.

(signed) *G. W. Hope.*

—No. 44.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
24 June 1842.

No. 44.
J. Somes, Esq. to Lord Stanley, 24 June 1842.

My Lord,

I HAVE the honour to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 22d instant, and to inform your Lordship in reply, that the directors of the New Zealand Company accept, with thanks, the terms offered by your Lordship for the purchase, by the Company, of 100,000 acres of land in that colony, in regard to the appropriation of the purchase-money and selection of the land, as explained in Mr. Hope's letter.

The directors will take an early opportunity of addressing your Lordship upon several points of detail, the settling of which appears necessary to the completion of this arrangement.

I have, &c.

(signed) *Joseph Somes.*

—No. 45.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
18 July 1842.

No. 45.
J. Somes, Esq. to Lord Stanley, 18 July 1842.

My Lord,

YOUR Lordship was so good as to suggest to the deputation from the New Zealand Company who waited upon you on Monday last, that we should state succinctly the nature of the arrangement proposed by the Company for the sanction of Her Majesty's Government, with reference to the subject of the memorandum enclosed in my letter to your Lordship, dated the 2d instant.

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The directors of the New Zealand Company understand from what fell from your Lordship at the interview, that Her Majesty's Government is willing to accept, as the purchase-money of the 100,000 acres, a certain expenditure by the Company in emigration and public objects for the Nelson settlement. We also assume that the transaction is subject to the discount of 20 per cent. allowed the Company, by the terms of Lord John Russell's letter, dated 31st May 1841. In order, therefore, to entitle the Company to a grant of 100,000 acres, it will have to prove the due expenditure of 40,000*l.* in emigration to Nelson, and 40,000*l.* to the public objects, or some of them, expressed in the Nelson terms of purchase, dated 15th February 1841.

It, then, remains for your Lordship to decide within what time you will require the two sums of 40,000*l.* and 40,000*l.* to be expended, in order to give a character of unity to the transaction, and to bring it legitimately within the terms of the agreement between Her Majesty's Government and the Company, dated 18th November 1840. We beg to submit, in relation to the question of time, the following proposals:—

1st. As to the Emigration.—The Company's position as regards the emigration to Nelson is this: On the 1st of June last, it had disposed of 500 of the 1,000 allotments offered for sale in Nelson, at 300*l.* each, thereby realizing an emigration fund of 75,000*l.*, being one moiety of the purchase monies, according to the conditions of sale. Out of this fund, the Company had incurred liabilities for emigration, up to the 30th November 1841, of, as nearly as we can calculate, (the amount not having been finally adjusted by Mr. Pennington), about 30,000*l.*, which 30,000*l.* formed a part of the 40,000*l.*, for expending which we shall be entitled to the block of 50,000 acres granted by Lord John Russell, as expressed in Mr. Vernon Smith's letter, dated 4th June 1841, the remaining 10,000*l.* having been applied towards emigration to New Zealand in another direction. Between the 30th November 1841 and the present date, the Company has despatched to Nelson four emigrant ships, at the cost of about 9,300*l.*; estimating it at the rate of 20*l.* per head for a number equal to 465 adult steerage passengers who have been conveyed by those ships. It is our present intention to despatch five ships more during the current year, in which ships a number equal to 600 adults will probably be conveyed to the colony, at an expense of about 12,000*l.* So that our expenditure for emigration to Nelson during the current year may be estimated at about 21,300*l.*, being rather more than half of the 40,000*l.* which we shall be bound to expend. Now, if we were sure that the interests of the settlement would require the despatch of nine emigrant ships also in the year 1843, we might at once undertake to expend the 40,000*l.* in emigration within two years, but we are satisfied that it would be unwise for us to enter into any such pledge until we are more fully informed than we are at present, of the actually existing relations between labour and capital in the Nelson settlement. We must apportion our supply of labour to the degree of demand which may, from time to time, be reported to us to exist in the colony; and we feel assured that it is not your Lordship's desire to stimulate the influx of labourers into our settlements beyond the point to which, in our own judgment, it may be prudent to limit it. We wish, therefore, not to engage positively to send out any definite number of emigrant ships to Nelson in the course of the year 1843; but we trust that we may safely undertake to despatch fourteen emigrant ships between the present time and the end of 1844, in addition to the four ships already despatched this year; or, in other words, we do not anticipate any difficulty in expending 40,000*l.* upon emigration to Nelson within three years from the 1st of January 1842; and we beg to propose three years as the limited period for that expenditure accordingly.

2d. As to the Expenditure upon Public Works.—I need not repeat here, as your Lordship so fully admitted their validity, the reasons submitted at our late interview, why it would be most undesirable, even if practicable, to make any very considerable part of that outlay, beyond what has been actually incurred, immediately. At the same time, the directors fully recognize the value of your Lordship's suggestion, that an expenditure upon roads, bridges, and the like, might be more directly conducive to the prosperity of an infant settlement, than the present establishment of a college. They shall consider it their duty to keep this suggestion in view, in order that, if possible, funds may be made available for the early construction of the most necessary roads; and as they shall issue instructions to this effect to their agent in the colony, which he may find it prac-

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ticable to carry into partial execution, without referring the matter back to them, they solicit your Lordship's sanction to this proposal: viz. that any expenditure which the Company may make upon roads, bridges, and the like, for the benefit of the settlement of Nelson, as proved to the satisfaction of the local government, may reckon towards the outlay of 40,000*l.* on public works, for the half-purchase of the 100,000 acres. For the rest, the directors would submit that they be allowed till the end of the year 1844 for the expenditure of the whole of that sum of 40,000*l.* in the manner required; and that whatever part of the same has not, by that time, been expended, shall then be invested in the hands of trustees, one to be named by the Colonial Department, and one by the Company, in order to secure its eventual appropriation to the stipulated purposes.

The directors have much pleasure in adopting your Lordship's suggestion, that as the land is to be selected in two blocks of 50,000 acres respectively, the payment for each shall be considered a separate transaction; the first 50,000 acres being made over to the Company in full property, when it shall have expended 20,000*l.* in emigration, and 20,000*l.* in public works; and the grant of the remaining moiety of the land being in like manner consummated upon the further appropriation of corresponding sums to the same objects; both blocks of land being selected within a year from the date of your Lordship's letter of the 24th of May last.

I have only to add the request, that if any circumstances now unforeseen should render it impracticable for the Company to make the stipulated outlay within the time which we now propose, the Company may be at liberty to apply to Her Majesty's Government hereafter for such extension of time as the nature of the case may then require.

I have, &c.

(signed) *Joseph Somes*, Governor.

—No. 46.—

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

No. 46. G. W. Hope, Esq. to J. Somes, Esq. 28 July 1842.

Sir, Downing-street, 28 July 1842.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 18th instant, in which you state the nature of the arrangement proposed by the New Zealand Company, for the sanction of Government, for the final adjustment of their claims.

1st. As to Emigration.—You state, that, having a regard to the probable demand for labouring emigrants, the Company do not wish to engage positively to send out any definite number of emigrant ships to Nelson in the course of the year 1843, but they trust that they may safely undertake to despatch fourteen emigrant ships between the present time and the end of 1844, in addition to the four ships already despatched this year; or in other words, they do not anticipate any difficulty in expending 40,000*l.* upon emigration to Nelson within three years from the 1st of January 1842; and they beg to propose three years as the limited period for that expenditure accordingly.

2d. As to the Expenditure upon Public Works.—You represent that it would be most undesirable, even if practicable, to make any very considerable part of that outlay, beyond what has been actually incurred, immediately. At the same time, you state, the directors fully recognise the value of Lord Stanley's suggestion, that an expenditure upon roads, bridges, and the like, might be more directly conducive to the prosperity of an infant settlement, than the present establishment of a college.

Keeping that suggestion in view, you propose that any expenditure which the Company may make upon roads, bridges, and the like, for the benefit of the settlement of Nelson, as proved to the satisfaction of the local government, may reckon towards the outlay of 40,000*l.* on public works for the half-purchase of the 100,000 acres. And further, that the Company be allowed till the end of the year 1844 for the expenditure of the whole of that sum of 40,000*l.* in the manner required, and that whatever part of the same has not by that time been expended shall then be invested in the hands of trustees, one to be named by the Colonial Department, and one by the Company, in order to secure its eventual appropriation to the stipulated purposes.

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In this communication the question raised for Lord Stanley's decision appears to be, within what time the expenditure of the two amounts of 40,000*l.* on emigration and public works respectively is to be completed; or in the case of that devoted to public works, at what time any unexpended balance is to be invested in the hands of trustees. His Lordship would prefer, that instead of fixing the end of 1844, as proposed by the Company, the period named for this purpose should be two years from the 1st of January 1842, with the reservation of a year of grace, if in the opinion of the Company and the Secretary of State circumstances should seem to justify or call for such an extension of time; or if so distant a period as the termination of 1844 is at once allowed to the Company for the completion of their undertakings, his Lordship would feel it impossible to hold out to you, as you also request the prospect of a further extension of time, either for making the stipulated outlay as regards both amounts of 40,000*l.*, or as regards the investment in the hands of trustees of any unexpended balance of that devoted to public works.

Lord Stanley observes, that as respects the expenditure on emigration, you have assumed that he will allow the Company to reckon under that head expenses incurred by them previously to the date of my letter of the 24th May last; and under all the circumstances, his Lordship will take no exception to this course, provided it be distinctly understood that the expenditure to be allowed for under the arrangement with Lord John Russell for a separate purchase of 50,000 acres must have been completed before the date at which any expenditure to be included under the present agreement commenced, and that in this, as in all other similar cases, no emigration is to reckon which is not certified by the Commissioners of Land and Emigration to have been conducted to their satisfaction. It can scarcely be necessary to add, that all the accounts are to be subject to the same strict investigation as in the case of other agreements between the Government and the New Zealand Company; and that every care is to be taken to distinguish broadly between expenditure falling within the terms of the present arrangement, and expenditure which is to be brought to account under any of the other subsisting agreements with the Company.

I have, &c.

(signed) *G. W. Hope.*

—No. 47.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,

My Lord, 5 August 1842.

No. 47.
J. Somes, Esq. to Lord Stanley, 5 August 1842.

I HAVE the honour to acknowledge, on behalf of the directors of the New Zealand Company, the receipt of Mr. Under-secretary Hope's letter of the 28th ultimo, and to state in reply, that the Company thankfully accepts that alternative of the propositions offered by your Lordship, which provides that the period fixed for the expenditure of the two amounts of 40,000*l.* on emigration and public works respectively shall be two years from the 1st January 1842, with the reservation of a year of grace, if, in the opinion of the Company and of the Secretary of State, circumstances should seem to justify, or to call for, such an extension of time. The directors feel no present difficulty about the fulfilment of these terms, either as regards the supply of labour to the settlement, or the expenditure upon public works, (whether those expressly stipulated for in the terms of purchase, or roads, bridges, and the like), but such as may possibly arise from obvious considerations of policy and expediency with reference to the interests of the colony, which will be quite as clear to your Lordship's discernment as to them; and, therefore, they are persuaded that the Company is in no danger from leaving the arbitrament of the question of the year of grace in your Lordship's hands conjointly with their own.

I have, &c.

(signed) *Joseph Somes*, Governor.

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— No. 48.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
1 December 1841.

My Lord,

No. 48.
J. Somes, Esq. to Lord Stanley, 1 December 1841.

THE Court of Directors of the New Zealand Company requests me to communicate to your Lordship, that in pursuance of an arrangement lately entered into with the Bishop of New Zealand, it is the desire of the court to appropriate certain sums of money to religious and educational purposes, for the benefit of the settlers, and also of the natives in that colony.

These sums of money, and the purposes to which they are to be respectively applied, are specified in a letter addressed by the court to the Bishop, on the 30th ultimo, of which I beg to enclose herewith a copy for your Lordship's information.

I have, therefore, to express the hope of the court, that the payments thus proposed to be made by the New Zealand Company for the benefit of the colony, may receive Her Majesty's sanction, according to the terms of the Company's charter; and also, that Her Majesty's Government will be pleased to do the necessary acts to give validity to that part of the arrangement with the Bishop which relates to the lands reserved for the natives in the Company's settlements.

I have, &c.

(signed) *Joseph Somes*, Governor.

Enclosure in No. 48.

New Zealand House, Broad-street Buildings,
30 November 1841.

Encl. in No. 48.

My Lord,

BY the desire of the Court of Directors of the New Zealand Company, I have the honour to address your Lordship on the subject of the conferences which you have recently held with a committee of the court.

The points to which I am instructed to advert are three: 1st, a provision for the immediate benefit of the natives in the Company's settlements; 2dly, a provision for supplying the spiritual wants of members of the Church of England in the settlements of Wellington, New Plymouth and Nelson; 3dly, the disposal, by the Company, of the fund which has been contributed by purchasers of land at Nelson, towards the establishment of a college for the settlers at that place.

With respect to the first point, I am desired to acquaint you, that the directors are ready, on certain conditions, to advance a sum, not exceeding 5,000 *l.*, on mortgage of the native reserves in the Company's settlements. The object of this advance would be to place some funds at the disposal of a proper authority, for the immediate benefit of the natives; and the conditions on which the Company is ready to make the advance are, first, that, by some sufficient act of the Government, the property in the reserves shall be placed under efficient protection and management; and, secondly, that the Government shall undertake the responsibility of determining in what manner, for what purposes, and under whose control the funds derived from the native reserves shall be expended.

With respect to the second point, namely, a contribution by the Company towards the endowments of the Church of England in the settlements of Wellington, New Plymouth and Nelson, the court understands from your Lordship, that whatever value, now or hereafter, may be contributed, whether in money or land, by grant of the court, or by private subscriptions through the agency of members of the Company, will be met by a contribution of equivalent value, either in money or land, on the part of the Church, your Lordship stipulating, "that until it shall be in your power, as the organ of the Church, to contribute the whole value of its share in capital of land or money, yearly payments, at the rate of five per cent. on the capital, shall be deemed a contribution of equivalent value." In consideration of this most liberal offer from your Lordship, the court has resolved to grant immediately, for New Plymouth, 500 *l.*; for Wellington, 2,000 *l.*; and for Nelson, 5,000 *l.*; and members of the court, who are members of the Church of England, have expressed their intention to exert themselves in raising private subscriptions, in money or land, to be added to the Company's contributions. The greater present amount of the contribution for Nelson is owing to the circumstance, that, as respects that settlement, the colonists themselves have placed a large and constantly increasing fund at the disposal of the Company for religious purposes; and that, in the cases of New Plymouth and Wellington, the subscription comes out of the Company's own funds.

In order to fulfil the obligations of the Company towards its settlements, it is indispensable that the respective funds, as separately contributed by the court for Wellington or Nelson or New Plymouth, should be kept perfectly distinct, and separately applied in the settlement named for each.

The only other condition which the directors think it necessary to attach to the contributions made by or through them, is, that the capital of each of the funds shall eventually be laid

laid out on landed security, whether by purchase or mortgage, within the settlement to which each fund belongs, and that no land contributed by or through them shall be permanently alienated: the object being to constitute a permanent and local property continually increasing in value with the progress of colonization.

The directors understand that the three several funds will be held for the purposes before designated by one set of trustees; and that your Lordship proposes to solicit Lord Devon and Archdeacon Hale to become the trustees in England. The directors, on their part, beg leave to propose that Dr. Hinds may be requested to become a trustee also. In making this suggestion, they only seize an opportunity of expressing, however inadequately, their sense of the obligations of the first colonizers of New Zealand to Dr. Hinds, as the author and indefatigable promoter of the measures by which the members of the Church of England, in a perfectly new settlement at the antipodes, have all at once obtained a complete organization of their church.

With respect to the third point, a contribution by the Company towards the foundation of a college for the settlers at Nelson, I am desired to inform your Lordship that in this matter the Company is but a trustee for those settlers, by whom the sum at present in hand (7,500*l.*) has been contributed for the specific purpose of establishing a college. The directors, thus acting as trustees, are unwilling to make any disposal of the fund in question without the consent of the settlers. They propose, therefore, as soon as the fund shall reach its maximum (15,000 *l.*) or sooner, if the settlers should sooner obtain a municipal corporate capacity, to place the college fund at the disposal of those to whom it really belongs. I am directed, however, to write to Captain Wakefield, the Company's chief agent at Nelson, instructing him to make the settlers aware of the warm interest which your Lordship takes in the prospect of establishing the means of a superior education in the settlement, and to express to them the hope of the court that they may obtain your most valuable assistance in carrying it into effect.

The directors consider it their duty to state to your Lordship, that while they have the greatest satisfaction at being able to contribute without delay to the endowment of the Church of England in New Zealand, they are under engagement to afford similar assistance, under similar circumstances, to bodies of settlers of every religious denomination. They know that their power to contribute at all for religious purposes is essentially owing to their having adopted this rule at the outset of the proceedings of the Company.

In consequence of certain conditions in the Company's charter, it will be requisite to obtain the sanction of Her Majesty's Government to the contemplated application of funds at the disposal of the directors. For this purpose they will transmit to the Secretary of State a copy of this letter, with a request that his Lordship will be pleased to consider its contents, and to favour them with his opinion thereon at his earliest convenience.

The Right Rev. the Lord Bishop of New Zealand, &c. &c. &c.

I have, &c.
(signed) *John Ward*, Secretary.

— No. 49. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

No. 49.
G. W. Hope, Esq. to J. Somes, Esq. 30 March 1842.

Sir, Downing-street, 30 March 1842.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 1st December 1841, on the subject of certain arrangements made between the New Zealand Company and the Bishop of New Zealand. From the enclosure to that letter it appears that the Company proposed to the Bishop "to advance a sum not exceeding 5,000*l.* on mortgage of the native reserves in the Company's settlements;" and Lord Stanley is requested to advise Her Majesty to sanction this arrangement. His Lordship, however, regrets that the terms of it are not specified with sufficient fulness to enable him to offer an opinion on the subject, and directs me to remind you, that you omit to state to whom the money is to be paid; who is to make himself responsible for the payment, either of the principal or of the interest; what are to be the consequences of the non-payment; how the proposed loan is to be expended, or to whom and in what manner that expenditure is to be accounted for.

The second proposal is, that a contribution should be made by the Company towards the endowments of the Church of England in the settlements of Wellington, New Plymouth and Nelson. To this proposal Lord Stanley would not object if the Bishop himself should concur in it, and if the endowment should be fettered by no objectionable conditions. At the same time his Lordship has to add, that the information which he possesses of the comparative claims or the actual condition of these settlements is not sufficiently precise to enable him to form any judgment as to the merits of the proposed distribution of the sum intended to be appropriated.

The third proposal is, that the Company should contribute towards the foun-

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dation of a college for the settlers at Nelson. The reasons stated, as relating to the second proposition, apply more strongly to the present; and unless the Company are possessed of much more ample information than he imagines, he cannot but consider the discussion of the question as premature.

In explanation of the long delay which has occurred in replying to your letter, I am directed by Lord Stanley to state, that, having been received previous to the interview appointed to take place at this office on the 11th of January, between yourself and other directors of the Company and Lord Stanley, on the subject of your letter of the 3d December, bringing under his Lordship's notice the general relations of the New Zealand Company with the Government, the reply was purposely delayed until that interview should have taken place; and that as the result of the interview was the expression of a wish on the part of yourself and the other directors of the Company, assented to by Lord Stanley, that your letter of the 3d December should be considered as withdrawn, for the purpose of enabling you to substitute another, the answer to yours of 1st December was delayed in expectation of the receipt of such a letter, until I was informed a short time ago verbally, by Mr. Mangles, that a reply was wished for immediately.

I have, &c.

(signed) *G. W. Hope.*

—No. 50.—

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,
21 April 1842.

No. 50.
J. Somes, Esq. to Lord Stanley, 21 April 1842.

My Lord,

I HAVE the honour to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 30th ultimo, and to submit for your Lordship's consideration the following explanations of the propositions conveyed by my letter of the 1st December last, in regard to the points indicated by Mr. Hope as requiring to be cleared up.

As respects the offer of the New Zealand Company "to advance a sum not exceeding 5,000*l.* on mortgage of the native reserves in the Company's settlements," your Lordship will observe that the directors made it a condition of that loan, first, "that by some sufficient act of the Government the property in the reserves should be placed under efficient protection and management; and, secondly, that the Government should undertake the responsibility of determining in what manner, for what purposes, and under whose control the funds derived from the native reserves should be expended."

This proposal, in connexion with these stipulations, was made on the application, and in compliance with the suggestion, of the Bishop, who undertook to make known to your Lordship our views in regard to the formation of a local board of management, composed of such high official personages in New Zealand as might, from motives of benevolence, be willing to undertake such a trust. It was to the security which such a body would give for the attainment of the important objects in view that the directors looked, instead of to any technical responsibility for the safety of the funds which they expressed themselves willing to advance. The Government having now formally taken the aborigines under their own superintendence, and appointed special officers for the management of their interests, the Company can do no more, in compliance with their engagements with the public or with the Bishop, than lay before the Government their readiness to advance the sum of 5,000*l.* whenever the Government shall have completed satisfactory arrangements for the application of the sum. The Company deeply regret that technical difficulties or want of sufficient information preclude the Government from availing itself of their offer. They have only to add, that the money remains in their hands, and that whenever the Government shall have been enabled to come to a decision on the arrangements proposed in our letter of the 1st December, or have matured others more calculated to promote the object in view, they will have the greatest satisfaction in handing over the money to its destined purpose.

With respect to the second proposal, "that a contribution should be made by the Company towards the endowment of the Church of England in the settlements of Wellington, New Plymouth and Nelson," I have the honour to inform your Lordship,

Lordship, that the Bishop has expressed his concurrence in this offer, which, indeed, was made in immediate communication with his Lordship; and that all the conditions which the court is inclined to impose are contained in its letter to the Bishop, which has been submitted to your Lordship. I beg leave to explain, that the grant in the case of Nelson being made out of the funds subscribed by the colonists themselves for religious purposes, and not from the stock of the Company, as in the case of Wellington and New Plymouth, your Lordship's sanction is solicited in the two latter instances only.

This explanation is also applicable to the third proposal, relative to the endowment of a college at Nelson. The Company is merely a trustee of the funds which it is proposed to apply to that object; and the specific approval of the Crown is only asked in respect of those disbursements which, under its charter, the Company is not competent to make without such sanction. This point was alluded to in the last paragraph of my letter to the Bishop; but it ought, perhaps, to have been more distinctly stated in my letter to your Lordship of the 1st December, the object of which was, to bring at one view under your notice, the grants which the Company desired, and still desires, to make for the various purposes mentioned.

I have, &c.

(signed) *Joseph Somes*, Governor.

— No. 51. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

Sir, Downing-street, 29 April 1842.

No. 51.
G. W. Hope, Esq. to J. Somes, Esq. 29 April 1842.

I HAVE laid before Lord Stanley your letter of the 21st instant, in which you submit, on the part of the New Zealand Company, some further explanations on the subject of the arrangements entered into by the Company with the Bishop of New Zealand, and brought under his Lordship's consideration by your previous communication of the 1st of December last.

On the subject of the offer of the Company to advance a sum not exceeding 5,000 *l.*, on mortgage of the native reserves in the Company's settlements, Lord Stanley directs me to acquaint you, that he will be happy to communicate with the local government of New Zealand; and, for that purpose, his Lordship would request to be informed of the rate of interest which it is proposed to charge, and also the mode in which it is proposed that the payment, either of principal or interest, should be secured, if at all, otherwise than by the power of foreclosing.

With respect to the application of the two sums of 2,000 *l.* and of 500 *l.* for religious purposes at Wellington and New Plymouth, Lord Stanley will be prepared to sanction whatever mode of applying those sums may meet with the approval of the Bishop of New Zealand.

Lord Stanley directs me to add, that, after the explanation now given respecting the application of 5,000 *l.* for the endowment of the Church of England, and of 15,000 *l.* for the foundation of a college at Nelson, his Lordship does not, of course, consider it necessary to offer any observations on those subjects.

I am, &c.

(signed) *G. W. Hope.*

— No. 52. —

COPY of a LETTER from *J. Somes*, Esq. to Lord *Stanley*.

New Zealand House, Broad-street Buildings,

My Lord, 12 May 1842.

No. 52.
J. Somes, Esq. to Lord Stanley, 12 May 1842.

I HAVE the honour, on behalf of the directors of the New Zealand Company, to acknowledge the receipt of Mr. Under-secretary Hope's letter of the 29th ultimo, on the subject of the arrangements entered into by the Company with the Bishop of New Zealand, and to submit as follows in reply:—

In answer to your Lordship's call for further information respecting the offer of the Company to advance a sum not exceeding 5,000 *l.* on mortgage of the native reserves in the Company's settlements, I beg to state that the directors

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will be satisfied with the lowest rate of interest obtaining in those settlements at the time that such advance may be made, upon loans on the most eligible security of landed property; and they do not desire that the payment, either of principal or interest, should be secured to them otherwise than by a power of sale, added to the ordinary power of foreclosure. At the same time, I beg permission respectfully to direct your Lordship's attention to paragraphs 2 and 3 of my letter of the 21st ultimo, referring to paragraph 3 of our secretary's letter to the Bishop, dated 30th November last, a copy of which was forwarded to the Colonial Office on the following day; for the directors deem it essential to the attainment of the important objects in regard to the native population, which alone induced them to offer the advance, the terms of which are now under discussion, that the principal superintendence and control, both of the reserves and of the funds necessary for their immediate improvement, should be placed in such hands as will secure them, at least, from all hazard of wilful mismanagement or neglect. They studiously impressed this point upon the Bishop, in their several conferences with his Lordship, who cordially expressed his willingness to afford his best services, in conjunction with other high functionaries of the local government, as a member of such a board of superintendence as it might be found practicable to form for carrying out the benevolent object in contemplation; and your Lordship will find a corresponding assent briefly expressed in his Lordship's letter to our secretary, dated 2d December last, a copy of which is attached.

The directors deem it right to add frankly, though with great respect, that they are not satisfied, as far as their present information enables them to judge of it, with the arrangement which his Excellency Governor Hobson appears to have made for the protection and management of the native reserves at Wellington; and that they are of opinion, that without better security for the efficient discharge of the important duties attaching to the superintendence of the native reserves, and the measures requisite for their improvement, than that arrangement seems to hold out, they should not be warranted in making any advance of the Company's funds for the purposes stated.

In the event of the arrangement being brought to bear, upon the conditions stated in their secretary's letter to the Bishop above cited, the directors are willing to make the loan for the term of five years.

With reference to your Lordship's expression of willingness to sanction the application of the two sums of 2,000*l.* and 500*l.*, proposed to be granted by the Company for religious purposes at Wellington and New Plymouth, in whatever mode may meet with the approval of the Bishop of New Zealand, I beg to refer your Lordship to the copy of the Bishop's letter of the 2d December submitted herewith, which, when read in connexion with our secretary's letter of the 30th November, will show that his Lordship's sentiments in respect to the disposal of the sums in question have already been fully declared.

I have, &c.

(signed) *Joseph Somes*, Governor.

Enclosure in No. 52.

Encl. in No. 52.

Sir, Richmond, Surrey, 2 December 1841.

MAY I request you to lay before the Board of Directors of the New Zealand Company the following answer to their communication of the 30th November:—

I.—With reference to the proposed provision for the immediate benefit of the natives in the Company's settlements, I have expressed to Her Majesty's Government my cordial approbation of the plan submitted to the Colonial Secretary by the Board of Directors; and my willingness to assist in carrying it into effect.

II.—On the second point, viz., the endowment of the Church of England, I am prepared to meet the directors, on the conditions specified in my conferences, with a deputation of their body, viz.:

1. In the settlement of Nelson I shall be prepared to station a clergyman, and to provide him with an income of not less than 250*l.* per annum, out of the funds placed at my disposal by the Church at home, reserving the 5,000*l.* granted by the Company as a fund for building churches, parsonage-houses and schools, and in general for the extension of the Church throughout the settlement of Nelson, in proportion to the increase of population.

It will be my object to redeem, as soon as possible, the annual payment of 250*l.* by raising a clear sum of 5,000*l.*, which I shall take the earliest opportunity of investing, together with the Company's grant, in landed securities, within the settlement of Nelson.

2. With

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2. With reference to the settlements of Wellington and New Plymouth, it will give me great pleasure to pursue the same plan; and in the meantime, while the sum still required for the permanent endowment of the Church in those settlements is being raised, I will endeavour to make such provisional arrangements as may be calculated to promote the spiritual interests of the settlers; while at the same time I shall consider myself bound by the present amount of the Company's grant for Wellington and New Plymouth, to provide an annual income of 125*l.* towards the maintenance of clergymen in those settlements. I may here add, that it is my earnest wish to be enabled, as early as possible, to create an archdeaconry, according to the powers vested in me by my letters patent, for the effectual superintendence of the affairs of the Church within the settlements of Wellington and New Plymouth, and that I have received offers of assistance from my friends for this specific purpose, which induce me to hope that I should be able to meet any advances on the part of the Company with a full equivalent on the part of the Church. In saying this, I wish to be understood to desire the permanent residence of a clergyman of high character and station within the Company's territories; expressing at the same time my own determination to devote as much of my time and attention to that portion of my diocese as may be consistent with strict justice to the interests of the remainder.

The addition of the name of Dr. Hinds to those of Archdeacon Hale and the Earl of Devon, as trustees of the separate Church funds for the Company's settlements, is entirely in accordance with my feelings of gratitude to him for his services to the Church in New Zealand. I will take care to advise with them from time to time on the best mode of converting the funded property into landed securities within the settlements to which the funds respectively belong.

III.—On the subject of the college to be established at Nelson, I can only say at present, in general terms, that I shall be ready to give my advice on all occasions to the persons to whom the organization of the system of instruction will be intrusted, and shall be truly thankful if the plan adopted for the institution shall be such as will allow me conscientiously to incorporate myself with the Board of Directors, and give my unqualified support to the undertaking.

The legal questions involved in the above arrangements shall be made the subject of inquiry; and for this purpose I will procure the opinion of some of the highest authorities in the profession.

I beg you, in conclusion, to convey to the Board of Directors my sense of the cordial and friendly manner in which they have conducted their negotiations with me; and to express my earnest desire to carry out in full the spirit of the new system of colonization, as I may truly call it, which has been adopted in New Zealand.

I have, &c.

John Ward, Esq. (signed) *G. A. N. Zealand.*

— No. 53. —

COPY of a LETTER from *G. W. Hope*, Esq. to *J. Somes*, Esq.

No. 53. G. W. Hope, Esq. to J. Somes, Esq. 7 June 1842.

Sir, Downing-street, 7 June 1842.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 12th ult., and to acquaint you in reply, that his Lordship will now transmit copies of the whole correspondence to which it has reference to the Governor of New Zealand. With respect to the proposal of the New Zealand Company to advance a sum not exceeding 5,000*l.* on mortgage of the native reserves in the Company's settlements, as a provision for the immediate benefit of the natives, Lord Stanley will intimate to the Governor his concurrence in the principle of the arrangement, and will at the same time call for his opinion as to the propriety of carrying it into execution, together with a specific plan for such an arrangement, should he approve of it. With regard to the application by the Company of the two sums of 2,000*l.* and 500*l.* towards the endowment of the Church of England at Wellington and New Plymouth, Lord Stanley has also received a communication from the Society for the Propagation of the Gospel, to the same effect as that from yourself, together with a letter in original from the Bishop of New Zealand to Dr. Hinds, of 4 December 1841, naming the Earl of Devon, Archdeacon Hale and Dr. Hinds trustees of the above-mentioned sums; and his Lordship has therefore directed me to intimate his sanction for the payment of them to those gentlemen in that character.

I am, &c.

(signed) *G. W. Hope.*

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— No. 54. —

COPY of a LETTER from *G. W. Hope*, Esq. to the Rev. *A. M. Campbell.*

No. 54.
G. W. Hope, Esq. to the Rev. A. M. Campbell, 7 June 1842.

Sir, Downing-street, 7 June 1842.

I HAVE laid before Lord Stanley your letter of the 23d ult.; and I am directed to acquaint you in reply, that his Lordship has expressed to the New Zealand Company his sanction for the payment of the sums of 2,000*l.* and 500*l.* for the object specified to the trustees proposed by the Bishop of New Zealand, his Lordship having been assured by the evidence contained in the original letter of 4 December 1841, from the Bishop to Dr. Hinds, which accompanied Mr. Dalton's note of the 31st ult., that the Earl of Devon, Archdeacon Hale and Dr. Hinds had been nominated by him trustees of the fund in question.

I am, &c.

(signed) *G. W. Hope.*

— No. 55. —

COPY of a LETTER from Messrs. *Roy, Blunt, Duncan* & Co. to Lord *Stanley.*

No. 55.
Messrs. Roy, Blunt, Duncan & Co. to Lord Stanley, 20 Sept. 1841.

19, Great George-street, Westminster,
My Lord, 20 Sept. 1841.

WE have been instructed, on behalf of several settlers at Auckland, in New Zealand, and parties possessing property in its neighbourhood, to represent to your Lordship the deep injury they, and the colony of New Zealand in general, will sustain by any attempt to remove the capital of the colony from Auckland to Port Nicholson.

They are perfectly aware that the parties interested in Port Nicholson must feel anxious to remove the seat of government to that spot, and that they are striving with every means to effect that object; and but for the extraordinary influence of those parties, and the vigilance and zeal with which they push their individual interests, the persons whom we represent would feel satisfied that the British Government at home, and ignorant of localities, would never accede to their views in opposition to the choice Governor Hobson has made deliberately on the spot, after full investigation. But should the New Zealand Company have impressed your Lordship with the opinion that Governor Hobson may have done wrong in his choice, and that your Lordship should pause in confirming it, we trust that your Lordship will, if opening the subject at all, allow it to be turned up in the most complete manner; and if Government shall, upon such a thorough investigation (hearing fairly all parties), re-consider the question of the best situation for the capital, we unhesitatingly aver that they must arrive at the same conclusion as Governor Hobson has done; viz., that Auckland possesses every requisite in locality for the capital, and Port Nicholson scarcely one.

We admit the great objects and vigorous acts of the New Zealand Company, reflecting upon them the greatest credit, and entitling them to every fair support of Government in their operations. But we apprehend that, to view the subject fairly, and to come to a right conclusion, is for the Government to consider, quite apart from all private individuals or companies, which place would have been chosen by a Governor if there were no British settlement at all on the islands, but only the natives dwelling at different parts; and if the result of such investigation would lead to the choice of Auckland, then it is to be determined whether the single circumstance of a large population of British settlers at Port Nicholson should alter the choice of the best spot for the permanent future capital of an island which, in all probability, may ere long be covered with population throughout its whole extent.

We presume that it will be admitted that the requisites of the capital of New Zealand should be,—

1st. A good port, accessible and safe in all winds.

2d. This port to be the outlet to the sea, in large bottoms, of the largest agricultural districts.

3d. To be able to communicate speedily with all parts of both islands, more especially of the Northern island.

4th. Good

4th. Good water, and healthy and agreeable climate, and suited for the production of the necessaries of life, and of the staple products of the colony, likely to constitute its chief trade.

Under each of the above heads, we shall proceed, for your Lordship's information, having reference to the map, to contrast the position of the two spots, Auckland and Port Nicholson.

1st. As to being a good port.

Auckland is an isthmus of land about two miles broad, having on the east side the bay of Waitemata, one of the best harbours in New Zealand, and on the west side the bay of Manakon, which is likewise a very good harbour. It has thus the extraordinary and uncommon advantage of having two ports, communicating with opposite coasts. Vessels of the largest size can enter either harbour, and lay in safety. In Waitemata harbour the water is deep close in shore, and there are great facilities for forming wharfs, docks, &c. The entrance of the Waitemata being perfectly sheltered by the islands in the Frith of the Thames, ships can enter or leave the port with any wind. The same cannot be altogether said of Manakon, as vessels could not get in with a south-easterly wind, which, however, rarely blows at this part of the island; going out of that harbour the difficulty never would be great. In every other respect the harbour of Manakon is excellent, and is exactly opposite, in a straight line, to Sydney.

Port Nicholson as a port.

The harbour is very fine unquestionably, when a ship is inside it, and good and safe anchorage, but it is most difficult of access, owing to the perpetual violent winds that always rush directly through Cook's Straits, from the south-east or north-west, which are the constant alternate winds in Cook's Straits; and from this cause, vessels are delayed several days before they can make or leave the port. It is not alleged that there is danger in this, but merely such a delay as is a serious drawback to shipping generally, when comparing the position of Port Nicholson with Auckland, especially in reference to coasting voyages. From the great extent of the bay, and the general violence of the winds, the bay is dangerous for boats, and it will be very difficult, if not impossible, to form wharfs or docks.

2d. As to communication with agricultural districts.

Auckland is placed to receive the agricultural produce of the extensive and fertile districts to the south, by means of the great rivers which diverge from this point.

On the south-east it has the valleys of the Thames and Piako, which are admitted to be the finest and largest agricultural districts in the island, and capable of growing every kind of colonial produce.

Also, on the south, the bay of Manakon, and a portage under two miles in length, connect Auckland with the great river Waikato; and the whole produce of the districts on both sides of that river extending up to the lake Tappo, and with the districts of fine agricultural land surrounding that lake. The Waikato river runs into the sea to the south of Manakon Bay, but the bar at the mouth of that river is impassable, except for very small vessels. The Waikato is 140 miles in length, and can be navigated by a steamer to within two miles of lake Tappo. To join Manakon Bay with the Waikato by a canal will always be easy of accomplishment, and would be a work of trifling expense, as the ground is flat and alluvial, and the distance is only 2,300 yards.

The lands in these agricultural districts are clear and ready for the plough, and can be brought into cultivation at a slight expense, and promise to be most fertile.

Port Nicholson is singularly defective in reference to its communication with agricultural districts. It has no river; the Hutt is called a river, but is only a streamlet, and not navigable; nor has it any available agricultural land in its neighbourhood, except the valley of the Hutt, which is admitted by the New Zealand Company to contain not more than 25,000 acres; and this land is so densely covered with timber, for the most part worthless, that one of the most intelligent colonists estimates the cost of clearing it at 40 *l.* an acre. The district of Taranaki, which also belongs to the New Zealand Company, is a fine agricultural district; but it is distant about 100 miles from Port Nicholson, and is easier approached from Auckland by means of the river Waikato, and Lake Tappo, and

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river Wanganin, than from Port Nicholson. A road is spoken of, to be made along the coast from Port Nicholson to Taranaki; but it would be far beyond the means of the new colony, having to cross several streams, and to be cut through a large extent of mountainous and rocky country. With the exception of the valley of the Hutt and a few small detached valleys adjoining, the whole of the rest of the land surrounding Port Nicholson is steep and mountainous, and totally unfit for agricultural purposes, and this mountainous land shuts out Port Nicholson from all inland communication with the great agricultural districts to the south of Port Nicholson, but many miles from it.

3d. Accessibility of the proposed capital.

This question has to be considered in reference to the probable circumstances which will happen in the shape of colonization and to the facts existing.

The Northern island is the only one inhabited, and the Southern island is not likely to be so for many years, as it is very mountainous, and there are no rivers; therefore, the chief point to consider is the accessibility of the capital to all parts of the Northern island. In the present state of the colony, and which must continue for many years, water carriage will be the only available mode of communication between distant parts. It is sufficient to say, that the slightest glance at the map will show that Auckland is as nearly as possible the centre of the island. This ought almost alone to settle the question of the superiority of Auckland to Port Nicholson; but it will be proper to view the subject closer, and to contrast the position of each place in reference to—

1. Coast accessibility.
2. Internal communications.

1. As to Auckland's Coast accessibility.

Northward, by the sea to the East Auckland, is in close communication with all the well-known valuable timber harbours of Kaihow, Wangaree, Tutukaka, Wangourn, &c., and with various important agricultural districts which extend into the country from the mouths of the rivers along the east coast to the north of Auckland. Auckland is also within a very short voyage of the Bay of Islands, which always has been and remains the greatest resort of whaling vessels, and is the chief place of trade in the island.

Northward, to the west from Manakon Bay, the harbours of Kiapara and Hokianga, being the only harbours on that coast, are easily reached from Auckland.

Proceeding southward from Auckland along the east coast, there are within a short distance of it the timber harbours of Coromandel and Mercury Bay, and the various small ports in the extensive bay of Plenty, which would be the outlets of the produce to be grown on the fertile lands along the coasts of that bay, and also as far south as Poverty Bay, which likewise adjoins a fine agricultural district.

The land farther south from that point down to Port Nicholson is steep, barren, unproductive and uninhabited, even by the natives.

Southward, on the west coast, between Auckland and Cape Egmont, there is easy access from the harbour of Manakon, with the bays and harbours of Waikato, Wangarou, Aotia, Kawia, Mokou, and the roadstead of Tainaki, under the Sugar Loaf Islands.

These harbours are all bar harbours, and, therefore, are only navigable for small coasting vessels, which must necessarily come to Auckland's west harbour of Port Manakon with their cargoes, in order to obtain larger bottoms for exportation.

From Cape Egmont to Port Nicholson, with the exception of the Tianaki district, which is really far nearer by sea to Auckland than to Port Nicholson, the land is generally barren, and not capable of cultivation, except the detached valleys at and near the streams, and these valleys will necessarily send their produce to Port Nicholson, and take their supplies from thence.

2. Internal communication.

It has already been stated how Auckland, from its east harbour of Waitemata, is, by the river Thames, Piako and Waikato to the southward, connected with all the interior agricultural districts of the south as far almost as these districts extend.

extend. To the northward, by crossing a short flat of a few miles from Auckland over to the Kiapara river, a navigable course is obtained up the river Otamata, and also up the great river Wairoa, which is navigable upwards of 140 miles. Thus, in point of coast accessibility and internal communications (being without roads), the position of Auckland is positively a matter of wonder and admiration, and probably has not its equal in the world.

But as to Port Nicholson, in reference to coast accessibility, the only coast navigation which may be said to be more accessible to it than to Auckland, is the east coast extending from Port Nicholson to the Bay of Poverty, which, as before stated, is all barren; and the west coast, extending from Port Nicholson as far as the Wanganui river, which coast presents nothing of any character or importance. As regards internal communication, there is literally none at Port Nicholson, as the port is blocked in on all sides by enormous and precipitous mountains, and is not connected with a single navigable river, nor is there any such river within 100 miles of that port.

As regards the South island, it is of trifling importance at present to consider the accessibility of either place, Auckland or Port Nicholson with it, but it is quite certain that Port Nicholson is more accessible to Banks's Peninsula and all parts of the east coast of the Southern islands, while, in consequence of the strong winds always blowing in Cook's Straits, Auckland is more accessible than Port Nicholson to all parts of the west coast of the South island.

4th. Climate, &c. Auckland.

The position of Auckland cannot be surpassed by any in the island for excellence of climate, wholesome, healthy air, and good water; and the climate is peculiarly suitable for the growth of flax and wheat; these articles and Kowdie timber will form the staple commodities of the colony; and the districts near to Auckland alone furnish the celebrated Kowdie timber for masts and spars, of which timber there is none at or near Port Nicholson. Flax and wheat will be obtainable, no doubt, from the small agricultural districts in the neighbourhood of Port Nicholson, but not approaching probably to one hundredth part of the quantities which will and must make Auckland their port of shipment to Australia, the East Indies, and Great Britain.

The violent winds almost daily blowing at Port Nicholson must necessarily make agricultural operations, especially in the growing of wheat, uncertain, and this is an injurious circumstance, in respect to the climate at Port Nicholson, not existing at Auckland. That violent winds are painfully prevalent at Port Nicholson is an undoubted fact, and all parties returning from it have certified to their strength being such, that it is unsafe to build houses of more than one story high.

Under all these circumstances, which are capable of complete verification, we trust your Lordship will feel satisfied that you will be doing a deep injury to the colony and to Great Britain, by attempting to alter Governor Hobson's judicious choice of the position of the future capital of New Zealand.

True it is that the New Zealand Company have taken out to Port Nicholson a large body of settlers, and if the question was, not from what place is the whole colony to be governed, but from what place are the settlers to be governed, Port Nicholson would be the spot.

But the British Government must feel, that not having yet sold an acre of land in New Zealand, that when the Crown lands shall be offered for sale, the colony will greatly increase in numbers, and the best districts will be chosen for the money that is to be paid.

In this event, a few years may see the settlers of Port Nicholson greatly outnumbered by settlers at Auckland, or other parts of the North island, and not one but several towns rising into existence, especially on the banks of some of the great rivers before mentioned.

It surely, then, is the duty of the Government, which Parliament will enforce, that, disregarding the representations of all interested parties, the best spot should be chosen for the position of a capital which is to endure for ages, and which is to be the seat of Government, not of one large body of British settlers, but of the whole colony, inhabited in all its parts by many British settlers, and by a large body of natives, amongst whom more properly, looking at the importance of introducing amongst them civilization and habits of industry and labour, should the capital be placed, rather than amongst British settlers, bringing with

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them education and habits which enable them to perform all the duties of a peaceable and well-ordered community, without much interference from a governing power.

In reference to the spread of the doctrines and discipline of the Church of England throughout the colony, and of religious education based on those doctrines, and given to the children, not only of British settlers, but also of the natives, nothing can so materially aid as placing a Bishop on the island as proposed, whose visitations might be frequent, and whose exertions might be unceasing for raising the religious character of the whole island.

But to place a Bishop at Port Nicholson would be to reduce him to the mere usefulness of a parish clergyman, unless he were to be subjected to the annoyance of numerous and dangerous long sea voyages every year. It would be impossible for him to make a visitation from Port Nicholson, either to the east or the west coast, without long and uncomfortable and perhaps dangerous sea voyages; whereas at Auckland he could visit districts which from their fertility must attract settlers, and are now inhabited by numerous tribes, without going to sea at all. To the north he can proceed by river carriage nearly 150 miles, and the same or a greater distance by like carriage to the south. For personal comfort, and for power to be fully efficient in his vocation, there can be no doubt, therefore, that Auckland is the true location for the proposed Bishop of New Zealand.

Lastly, we trust that we may be allowed to add as another reason with which those who instruct us are impressed against any change of the capital, that such a change would inevitably lead to the New Zealand Company obtaining a complete monopoly of the whole colony without any sort of check or competition, and would still further limit the powers of the Colonial Office, already believed to be too much encroached upon by the Company, and thereby diminish the protection so necessary for general settlers; and we respectfully submit that the interests of the public would be far better served, not by throwing every thing into the hands of one monopolizing Company, but by establishing the competition of another strong Company, which would vie in its exertions to promote emigration and to attract settlers; and would keep in check the inherent disposition of a monopolizing body to supersede the powers of Government, and to aggrandize itself at the expense of individuals. Such a rival Company would, we are satisfied, be immediately brought into active existence if the Government should at once proceed to sell lands, and to send out emigrants; and indeed, if this be longer delayed, there seems great probability that the New Zealand Company will have the only settlements in the island, because settlers in New Zealand, without the power to acquire lands or obtain emigrants to assist in their cultivation, must apply to the Company to sell; and in like manner, parties in Great Britain, wishing to proceed to the islands, are forced to go to the New Zealand Company, as in no other quarter can they obtain land upon which to settle, or where they can rely upon a supply of emigrant labour.

We have to apologize for trespassing at such length on your Lordship's time, but trust that the great importance of the subject to the public in general interested in the colonization of New Zealand will form a sufficient excuse.

We have, &c.

(signed) *Roy, Blunt, Duncan* & Co.

—No. 56.—

COPY of a LETTER from *G. W. Hope*, Esq. to Messrs. *Roy, Blunt, Duncan* & Co.

No. 56. G. W. Hope, Esq. to Messrs. Roy, Blunt, Duncan & Co., 28 Sept. 1841.

Gentlemen, Downing-street, 28 September 1841.

I AM directed by Lord Stanley to acknowledge the receipt of your letters of the 20th and 22d instant, relative to the colonization of New Zealand and the position of the seat of Government; and I am to acquaint you in reply, that the subjects to which they refer will engage his Lordship's careful attention.

I am, &c.

(signed) *G. W. Hope.*

CORRESPONDENCE

WITH

Governor Sir *G. Gipps* and Governor *Hobson.*

— No. 1. —

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No. 1. Governor Sir George Gipps to Lord John Russell, 23 Sept. 1840.

(No. 135.)

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney, 23 Sept. 1840.

I HAVE already transmitted to your Lordship copies of the instructions which had been given to Captain Stanley of Her Majesty's ship Britomart by the Lieutenant-governor of New Zealand, on his proceeding to Banks' Peninsula, in the Middle Island, where it was expected that some emigrants from France were about to form a settlement.

I have now the satisfaction to inform your Lordship that Captain Stanley preceded the French in his arrival at Banks' Peninsula, and that the British flag was flying and British authority established there, when the French whaling ship, the Comte de Paris, (Captain Langlois) arrived and landed about 50 emigrants.

Captain Lavaud, in the French corvette L'Aube, arrived at Banks' Peninsula after Captain Stanley, and only one day before the Comte de Paris, and he has, I understand, pledged himself that nothing shall be done that can be considered as an attempt to take possession of the country for the French Government.

Captain Langlois claims, I understand, a considerable extent of land as a purchase from the natives.

The emigrants are described by Captain Stanley as being mostly mechanics or labourers, and are under the direction of a gentleman sent from the Jardin des Plantes.

The spot where they have landed is called Akeroa, it is a good harbour, but surrounded by steep and thickly wooded mountains 3,000 feet high.

A police magistrate (Mr. Robinson) was left at Akeroa, having been sent thither in the Britomart by Lieutenant-governor Hobson; and the Britomart was at Port Nicholson on the 4th instant, the day to which my accounts from Captain Stanley come down.

— No. 2. —

No. 2. Governor Sir George Gipps to Lord John Russell. 19 October 1840.

(No. 161.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government House, Sydney, 19 Oct. 1840.

IN my despatch of the 23d September last, No. 135, I communicated to your Lordship such information as had reached me (in an unofficial manner) respecting the landing of some French emigrants at Akeroa, or Banks' Peninsula, in the Middle Island, latitude about 43° 50′ of New Zealand.

I have now the honour to forward to your Lordship a copy of the report which was made on the same subject by Captain Stanley of Her Majesty's sloop Britomart to the Lieutenant-governor of New Zealand. 17th Sept. 1840.

I trust I may be allowed to express the sense I entertain of the zeal and discretion with which Captain Stanley carried the wishes of the Lieutenant governor into effect on this occasion.

I have, &c.

(signed) *Geo. Gipps.*

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Encl. in No. 2.

Enclosure in No. 2.

Sir, Her Majesty's Ship Britomart, 17 Sept. 1840, at Sea.

I HAVE the honour to inform your Excellency that I proceeded in Her Majesty's sloop under my command, to the port of Akaroa, in Banks' Peninsula, where I arrived on the 10th August, after a very stormy passage, during which the stern boat was washed away, and one of the quarter boats stove.

The French frigate L'Aube had not arrived when I anchored, nor had any French emigrants been landed.

11 August. I landed, accompanied by Messrs. Murphy and Robinson, police magistrates, and visited the only two parts of the bay where there were houses; at both places the flag was hoisted, and a court, of which notice had been given the day before, was held by the magistrates.

Having received information that there were three whaling stations on the southern side of the Peninsula, the exposed positions of which afforded no anchorage for the Britomart, I sent Messrs. Murphy and Robinson to visit them in a whale boat.

At each station, the flag was hoisted and a court held.

On the 15th August, the French frigate L'Aube arrived, having been four days off the point. On the 16th August, the French whaler Comte de Paris, having on board 57 French emigrants, arrived.

With the exception of Mr. Billigni, from the Jardin des Plantes, who is sent out to look after the emigrants, and who is a good botanist and mineralogist, the emigrants are all of the lower order, and include carpenters, gardeners, stonemasons, labourers, a baker, and a miner, in all 30 men, 11 women, and the rest children.

Captain Lavaud, on the arrival of the French emigrants, assured me on his word of honour, that he would maintain the most strict neutrality between the British residents and the emigrants, and that should any differences arise between them, he would settle matters impartially.

Captain Lavaud also informed me, that as the Comte de Paris had to proceed to sea, whaling, that he would cause the emigrants to be landed in some unoccupied part of the bay, where he pledged himself they should do nothing which could be considered as hostile to our Government, and that until fresh instructions should be received from our respective Governments, that the emigrants should merely build themselves houses for shelter, and clear away what little land they might require for gardens.

Upon visiting the Comte de Paris, I found that she had on board, besides agricultural tools for the settlers, six long 24-pounders mounted on field carriages.

I immediately called upon Captain Lavaud to protest against the guns being landed. Captain Lavaud assured me that he had been much surprised at finding that guns had been sent out in the Comte de Paris, but that he had already given the most positive orders that they should not be landed.

On the 19th August, the French emigrants having landed in a sheltered well-chosen part of the bay, where they could not interfere with any one, I handed over to Messrs. Murphy and Robinson the instruction entrusted to me by your Excellency to meet such a contingency.

Mr. Robinson finding that he could engage three or four Englishmen as constables, and having been enabled, through the kindness of Captain Lavaud, to purchase a boat from a French whaler, decided upon remaining.

Captain Lavaud expressed much satisfaction when I informed him that Mr. Robinson was to remain, and immediately offered him the use of his cabin and table as long as L'Aube remained at Akaroa.

Mr. Robinson accepted Captain Lavaud's offer until he could establish himself on shore.

On the 27th August I sailed from Akaroa for Pigeon Bay, where, finding no inhabitants, I merely remained long enough to survey the harbour, which, though narrow and exposed to the northward, is well sheltered from every other wind, and is much frequented by whalers, who procure great numbers of pigeons.

From Pigeon Bay, I went to Port Cooper, where Mr. Murphy held a court. Several chiefs were present, and seemed to understand and appreciate Mr. Murphy's proceedings in one or two cases that came before him.

Between Port Cooper and Cloudy Bay, I could hear of no anchorage whatever from the whalers who frequent the coast.

I arrived at Port Nicholson on the 2d September, embarked Messrs. Shortland and Smart, and sailed for the Bay of Islands on the 16th September.

I have the honour to enclose herewith such information as I was enabled to procure during my stay at Banks' Peninsula, and also plans of the harbours.

I have, &c.

To His Excellency Lieut.-governor Hobson, New Zealand.

(signed) *W. M. Stanley*, Commander, R. N.

STATISTICAL ACCOUNT of the PORTS and WHALING STATIONS Visited in Her Majesty's Ship *Britomart*, in *Banks' Peninsula*, August 1840.

PLACE.	INHABITANTS.				Houses.	Acres Claimed.	CLAIMANT.	Occupation.	Acres in Cultivation.	Produce.	Time Established.	Soil.	Date of our Visit.
	Europeans.		Natives.										
	Men.	Women.	Men.	Women.									
Piraki	20	2	–	5	9	15 miles square.	Capt. Humpleman	Whaling station.	none	none	4 years	good	Aug. 14 (*a*)
Ikotaki	29	1	–	6	10 about	Bay and 6 miles back.	William Price	ditto	none	none	9 months	good	– 15 (*b*)
Oishou	24	–	4	6	–	–	James Brown / James Wood	ditto	none	none	6 months	good, but hilly.	– 15 (*c*)
Akaroa Takobinet	4	1	–	–	1	15 miles square, & the bay.	Capt. Roads	Bullocks and cows grazing.	about 2 acres.	vegetables.	9 months	good	– 20 (*d*)
Roumataki	2	–	–	1	2	1 acre	—— Angus / R. Clough	Squatters	none	none	4 years	good	– 20 (*e*)
Pigeon Bay	–	–	–	–	–	–	–	–	–	–	–	–	– 29 (*f*)
Port Cooper	–	–	–	–	–	–	–	–	–	–	–	–	– 30 (*g*)
Port Levi	2	–	2 or 3	–	–	–	–	Coopers	–	–	temporary.	good	– 30 (*h*)

(*a*) Since established has been visited by five French, one Danish, and one American whalers. Land said to be bought from Bloody Jack.
(*b*) Land said to be bought from Bloody Jack and Tyroa.
(*c*) Wood claims 60 acres at Olage, in the behalf of a native woman living with him.
(*d*) Captain Road's title is signed by Tyroa.
(*e*) Clough has generally deserters from whalers staying with him. About 40 natives also reside here.
(*f*) A harbour of refuge for whalers.
(*g*) A harbour of refuge for whalers. Their numbers vary every day.
(*h*) Merely a whaling station during the season.
A considerable quantity of flat land is said to exist to the westward of Port Cooper, Mr. Weller, of Sydney, has some surveyors employed in measuring it.

— No. 3. —

No. 3.
Governor Sir George Gipps to Lord John Russell.
29 October 1840.

(No. 172.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
29 October 1840.

My Lord,

I HAVE herewith the honour to forward to your Lordship a copy of the communication which was made to the deputies from Port Nicholson, on the 20th instant, pursuant to the intention announced to your Lordship, in my despatch of the 6th instant, No. 147*; and I further transmit a copy of a communication received from the deputies, under date of the 23d instant, as well as of the answer which was returned to it by my direction on the 28th instant.

20th Oct. 1840. No. 1.
23d Oct. 1840. No. 2.
28 Oct. 1840. No. 3.

Your Lordship having directed, in your despatch of the 4th December 1839, No. 53, that the settlers should be treated with "consideration and kindness," I trust your Lordship will approve of the way in which I have disposed of their claims.

I should add, that the letter of the Colonial Secretary to the deputies of the 20th instant, was written with the advice and concurrence of my Executive Council.

The deputies have announced to me their intention of leaving Sydney for Port Nicholson on Saturday next.

I have, &c.
(signed) *George Gipps*.

* For Sir G. Gipps's Despatch, 6 October, No. 147, *vide* Papers relative to New Zealand, Ordered by The House of Commons to be printed, 11 May 1841, No. 311, page 122.

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Encls. in No. 3.

Enclosures in No. 3.

(No. 1.)

Colonial Secretary's Office, Sydney,
20 October 1840.

Gentlemen,

With reference to your several interviews with Sir George Gipps, as a deputation on behalf of the settlers at Port Nicholson, and to the minutes exchanged at or after those interviews, I do myself the honour, by the direction of his Excellency, to make to you the following communication as the result of his best consideration to the case of the persons for whom you have made application.

The settlers at Port Nicholson will not be disturbed by the Government; on the contrary, the local Government will endeavour to procure from Her Majesty the confirmation to the settlers of the lands of which they are in possession at Port Nicholson, subject to the following conditions, reservations, or limitations.

The settlers must take their lands in one continuous block of 110,000 acres, measured in a compact manner, and the mode of admeasurement must be subject to the approval of the Lieutenant-governor of New Zealand.

Of the 110,000 acres so measured, one-tenth part is to be reserved for the use or benefit of the aborigines, according to the original plan of sale proposed by the New Zealand Company; and the lands for the aborigines shall be selected by lot, as provided for by the same plan of sale.

The selections for the aborigines are to be made by a person or persons nominated by the Lieutenant-governor of New Zealand, or approved by him; and all selections already made, shall be subject to his approval, the power being reserved to him to declare those selections void, and to make others, should he deem it proper to do so.

In order to provide for the erection of buildings for the purposes of Government within the town which has been laid out at Port Nicholson, under the name of Britannia, reserves to any amount, not exceeding in the whole 20 acres, shall be made, at the discretion of the Lieutenant-governor; but these reserves shall not, without the consent of both parties, be taken in more than four localities.

The reserves so selected by the Lieutenant-governor shall include a frontage of not more than 200 yards to deep water, in the best commercial situation of the town.

These reserves are intended only for such buildings or establishments as it is the especial duty of the government of every country to provide; such, for instance, as a custom-house, a hall for the sittings of the supreme court of justice, a post-office, a gaol, and probably some few other establishments of a similar character; but in addition to these reserves for the immediate purposes of Government, his Excellency is required, by his instructions under the sign manual, to cause other reserves to be made in every parish for roads, or other internal communications, for the sites of churches and school-houses, parsonages, and places of interment for the dead; also of places of amusement or recreation for the inhabitants; reserves of this nature must therefore be made, such as may be approved by the Lieutenant-governor of New Zealand, on the report of the surveyor-general.

The Government not deriving any profit from the sale of land within the limits of the town of Britannia, will of course be in possession of no funds out of which contributions can be made towards making improvements or erecting buildings, with the exception of those first mentioned, as belonging especially to the Government. In order, however, to enable the settlers themselves to make improvements, and to erect other buildings, and especially those for municipal purposes, the local Government will use its best endeavours to procure for the settlers a charter of incorporation, and to create them into a municipal body, with all requisite powers.

In addition to the reserves already spoken of, other portions of land will be required for the purposes of military protection, as well for the site of a barrack as for batteries, or works of defence for the harbour. It is impossible to say what quantities of land may be required for these purposes; but the site of a barrack within reasonable distance (say two miles) of the town, will in all probability be wanted, and in order to secure a proper exercising ground for the troops, the reserve for this purpose ought not perhaps to be less than 30 acres.

It is understood that the settlers are to pay, or rather that they have already paid 1 *l.* per acre for all the lands within the block of 110,000 acres, with the exception of the 10th part reserved for the aborigines, but no portion whatever of this money has been paid to the local Government, and the way in which it is to be disposed of must remain to be settled by Her Majesty's Government and the parties who have received it; should any portion of it be allowed for expenditure in the survey or improvement of the lands from which it has been derived, it will be the duty of the local Government to apply it to the best advantage; but in the meantime it must be obvious, that the Government has no funds which it can devote even to the survey of the lands, and that therefore it cannot take upon itself the division of the 110,000 acres, amongst the persons entitled to receive them. In this difficulty, the most obvious course of proceeding, in order to give titles to individuals would seem to be to grant the whole block of land to trustees, and leave the distribution of the lands to them. This course, however, would be so unusual a one, that his Excellency does not feel authorised to adopt it without the previous sanction of Her Majesty; all that his Excellency can therefore positively undertake at present to do is, to recommend such a course to Her Majesty's Government, and in the meantime to allow the settlers to remain unmolested.

His

His Excellency, however, wishes it to be clearly understood, that the Government does not guarantee the possession of any portion of these lands to the settlers, to the exclusion of persons who may claim possession of them, or any part of them, by virtue of previous purchases from the natives; should any claims of this kind appear, their pretensions and the validity of their purchases must be enquired into and reported on by the Commissioners appointed under the recent Act of Council.

His Excellency wishes it to be further understood, that all the rights of the aborigines are expressly reserved; should therefore the sale of the land, or of any portion of it, by the aborigines to the Company be disputed, the case arising out of such dispute will not be in the least affected by anything herein contained.

I have, &c.

Dr. Evans, R. D. Hanson, Esq. and Henry Moreing, Esq.
Deputies for the Settlers at Port Nicholson.

(signed) *E. Deas Thomson.*

(No. 2.)

Sir, Sydney, 23 October 1840.

WE have the honour to acknowledge the receipt of a communication on behalf of his Excellency Sir George Gipps, addressed to us as a deputation from the settlers at Port Nicholson, containing the views of his Excellency on the case of the persons for whom we have made application to him. *20th Oct. 1840.*

We understand, that communication to guarantee to the settlers at Port Nicholson the present possession of 110,000 acres of land purchased by them from the New Zealand Company, such 110,000 acres to be taken in a compact block round the harbour of Port Nicholson, subject to certain conditions. Of these conditions the principal are,

1. That one-tenth of the 110,000 acres is to be reserved for the aborigines, in conformity with the original plan of the New Zealand Company; the choice of such reserve to be made according to an order of selection determined by lot, and to be made or approved of by a person to be nominated for that purpose by the Lieutenant-governor.

2. That reserves, not exceeding 20 acres in the whole, and including 200 yards of frontage to deep water in the best commercial situation in the town, shall be made for the use of the Government, such reserves to be approved of by the Lieutenant-governor.

3. That reserves shall also be made, subject to the same approval, for roads, churches, parsonages, school-houses, &c. &c.

4. That needful reserves shall be made for the purpose of military protection, including sites for a barrack, and for batteries or works of defence.

We further understand that his Excellency will recommend to the Home Government that this tract of 110,000 acres shall be conveyed to trustees, to be by them apportioned among the settlers.

For the reasons before urged in our interviews with His Excellency, as well as in the documents we have had the honour to submit to him, we are of opinion that these terms do not fully meet the justice of the case, inasmuch as the largest portion of the lands in the neighbourhood of Port Nicholson, cannot be made available for agricultural or other purposes. But as His Excellency has laid down certain principles by which he conceives himself bound in the matter, we see no advantage to arise from any further discussion of that topic.

We, however, beg to submit to his Excellency, that the terms he has employed in requiring the approval of the Lieutenant-governor of New Zealand to the selection of all reserves to be made for the benefit of the aborigines, and for public purposes, introduce an element of uncertainty and delay to the arrangement he has proposed, which must prove highly detrimental to the interests of the settlers, and may lead to the destruction of the settlement. According to the communication of His Excellency, until the reserves to be made by the officers of the Company for the natives and the Government have been approved of by the Lieutenant-governor, no person to whom a section has been allotted can feel secure in his possession; and no one would venture upon the erection of any expensive buildings. Until that approval were signified, any holder of land would be liable to ejectment, upon the ground that his lot ought to have formed a part of such reserve. And as the surveyor-general of New Zealand must of necessity be occupied for a considerable period in laying out the towns fixed upon by the Lieutenant-governor, and in surveying the country sections in their vicinity, twelve months at the least, and probably twice that period would elapse before he could visit Port Nicholson for the purpose of deciding upon those reserves. During the whole of that period the main business of the settlement would be checked, to the great injury and possible ruin of the settlers.

Upon this point, however, we should be satisfied with receiving from his Excellency an assurance that the Company's officers shall be authorised to make these reserves in the first instance, and that their selection shall not be interfered with, excepting upon the ground of some substantial departure from the spirit of the implied contract under which these reserves are to be made.

There are, however, in that communication two points of far greater importance, to which we beg to call the attention of His Excellency.

His Excellency states that the Government does not guarantee the possession of any portion of land to the exclusion of persons who may claim possession of them by virtue of previous

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previous purchases from the natives; and that the rights of the aborigines are expressly reserved.

As we understood that the recent Act of Council for the settlement of titles to land in New Zealand was the foundation of all our negociations with his Excellency, we have not hitherto referred to either of these points. We have rested the claim of the Company and the settlers, not upon the purchase from the native tribes, but upon the large sum contributed by the settlers to the purpose of emigration. This too we conceived to be the motive for that exception to the provisions of the Act in question, which his Excellency proposes to recommend in the instance of the settlers at Port Nicholson.

We would, however, now submit to his Excellency the fact that the natives have actually put the agent of the Company in possession of the whole of the land near the harbour of Port Nicholson. But there is an uncertainty with regard to titles which necessarily attaches, in some degree, to all purchases of land in New Zealand, when it is uncertain whether any precise rule prevails as to the extent to which individuals are bound by the acts of the tribe in a sale of land. It would therefore be impossible to feel secure against claims which might be urged to detached portions by persons who had by removal forfeited all claims to any portion of the land as against their tribe, but might be induced to urge such a claim as against the settlers. We, however, beg to remind his Excellency, that the reserve of one-tenth of the land to a proportion of which every person having a valid claim to land would be entitled, is of itself an ample compensation, and fully justifies the extinction of the native title to the remainder. It cannot be doubted that the settlement made at Port Nicholson solely in consequence of the presumed validity of the purchase from the natives, has conferred upon that tenth part a value manifold greater than that possessed by the whole of the district previous to such settlement.

With regard to the claimants under previous purchases from the natives, we would only request that such persons may be placed in the same position as that which they would have occupied in respect of land claimed by them in any town founded by the Government. If any claim is made to land not included in the site of the town, the settlers are willing that such claims should be submitted to the decision of the Commissioners. But they consider it would be unjust if, in a case where they have paid 100,000*l.* for what is in reality a town and 20,000 acres of land, being at the rate of 5*l.* per acre, they are to be subjected to the counter claims of persons who have purchased from the natives, only because it was known that a settlement was to be formed there, who have contributed nothing to any public purpose, and who, if the town were founded by Government, would be only entitled to some compensation in land.

The consideration uniformly manifested by his Excellency with regard to the circumstances of the settlers at Port Nicholson, leads us to believe that it is only necessary we should point out the practical inconveniences that might arise from the points to which we have adverted, in order to insure their removal. We therefore hope that we may receive from his Excellency an assurance that the approval of the Lieutenant-governor of the reserves for the natives and for public purposes is required only to guard against injustice on the part of the officers of the Company, and is not to be so exercised as to prevent or delay the formation of the town; that with regard to the natives, their title to land within the limits of the 110,000 acres shall be regarded as extinguished, in consideration of one-tenth being reserved for them; and that any individuals claiming land as against the Company, within the limits of the town, shall be left to their remedy under the Act, receiving compensation in land elsewhere, in the event of their claim being admitted as valid by the Commissioners.

We have, &c.

(signed) *George Samuel Evans.*
R. Davies Hanson.
Henry Moreing.

To the Hon. E. Deas Thomson,
&c. &c. &c.

(No. 3.)

Colonial Secretary's Office, Sydney,
28 October 1840.

Gentlemen,

I DO myself the honour to acknowledge the receipt of your letter of the 23d instant, in answer to mine of the 20th, communicating to you the decision of Sir George Gipps with respect to your application on behalf of the settlers at Port Nicholson, and in reply to the several points urged in your letter, I am directed by his Excellency to inform you as follows:

1. That in requiring that the lands set apart for the use of the natives should be approved by the Lieutenant-governor, his Excellency did not mean that such lands should not, in the first instance, be selected by the officers deputed to select them by the Company. His Excellency's object was to reserve to the Government the right of interference in any case where injustice might appear to have been done to the natives; and this, his Excellency thinks, may be effected without rendering the settlers insecure in the tenure of their own allotments, unless, indeed, some case of great and glaring injustice should be exposed. The official protector of aborigines would be moreover, a more fit person to judge in the first instance of such injustice than the surveyor-general.

2. Should

2. Should any questions arise as to the extinction of the native title to the lands comprehended within the settlement of 110,000 acres, the same principles must be applied in the solution of them. The Government has hitherto assumed, and is still willing to assume, that the native title has been fairly extinguished, but the Government must reserve to itself the right of inquiring into, and redressing any injury that may be proved to have been committed; and this is the more necessary as the Government was in no way a party in the purchase of their lands, and as his Excellency is not even at the present moment informed what has been paid for them.

3. With respect to individuals who may claim land within the settlement, you have rightly apprehended his Excellency's meaning. Such individuals must be dealt with under the Act of Council, in the same way that they would be dealt with if the lands claimed by them were required for any public purpose; in fact, the formation of the settlement is a public purpose; they, therefore, cannot retain lands within it, but any compensation which may be awarded to them by the Commissioners for the loss of their lands must be made by the settlers collectively, or by the Company.

4. His Excellency wishes it to be understood that it is out of his power to give the settlers an absolute guarantee to their lands; his acts in respect to them, like all the other acts of his Government, being subject to the approval of Her Majesty.

Dr. Evans, R. D. Hanson, Esq.
and Henry Moreing, Esq.
Deputies from the Settlers at
Port Nicholson.

I have, &c.
(signed) *E. Deas Thomson.*

— No. 4. —

No. 4.
Lord John Russell to Governor Sir George Gipps.
20 April 1841.

(No. 245.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir, Downing-street, 20 April 1841.

I HAVE received your Despatch, No. 172, of the 29th October last, transmitting copies of a correspondence which had passed between the Colonial Secretary to your Government, and the deputies from the settlers at Port Nicholson, on the subject of the lands acquired by them in that district.

The recent arrangements between Her Majesty's Government and the New Zealand Company, which have been already communicated to you, render unnecessary any observations on your proceedings in this matter.

I have, &c.
(signed) *J. Russell.*

— No. 5. —

No. 5.
Governor Sir George Gipps to Lord John Russell.
9 October 1840.

(No. 152.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
My Lord, 9 October 1840.

I HAVE the honour to report to your Lordship that, agreeably to the powers vested in me by the Act which was transmitted with my despatch to your Lordship of the 16th August last, No. 110, I have appointed the undermentioned gentlemen to be Commissioners for inquiring into claims to grants of land in New Zealand: Francis Fisher, Esq., Matthew Richmond, Esq., Edward Lee Godfrey, Esq. And I have further the honour to enclose to your Lordship a copy of the commission under which these gentlemen have been appointed, and also a copy of the instructions which I have caused to be addressed to them.

Despatch 16 Aug. No. 110, ordered by The House of Commons to be printed, 11 May 1841, No. 311, p. 61.

30 Sept. 1840. No. 1.

2 Oct. 1840. No. 2.

Trusting these measures will meet your Lordship's approval,

I have &c.,
(signed) *George Gipps.*

NEW ZEALAND.

Encl. in No. 5.

Enclosures in No. 5.

(No. 1.)

BY His Excellency Sir *George Gipps*, Knight, Captain General and Governor-in-Chief of the Territory of *New South Wales* and its Dependencies, and Vice-Admiral of the same.

WHEREAS by an Act of the Governor of the said territory, by and with the advice of the Legislative Council thereof, passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers to examine and report on Claims to Grants of Land in New Zealand," it was, amongst other things, enacted that it should and might be lawful for the Governor of the said territory to issue one or more commission or commissions, and thereby to appoint commissioners, who should have full power to hear, examine, and report on all such claims to grants of land in New Zealand as should be referred to them by the said Governor, under and by virtue of the provisions of the said Act: Now, therefore, I, the said George Gipps, Governor of the said territory and its dependencies, in pursuance of the said Act, and under and by virtue of the power and authority in me vested, to Francis Fisher, esquire, Edward Lee Godfrey, esquire, and Matthew Richmond, esquire, send greeting: Know ye, that, in confidence of your prudence and fidelity, I have appointed, and do by these presents appoint, you and each of you to be Commissioners during the pleasure of the Governor of the said territory for the time being, with full power and authority for you, or any two of you, to hear, examine, and report on all claims to grants of land in New Zealand which may be referred to you by me, or by the said Governor, and to examine witnesses, and otherwise to inquire concerning the same by all lawful methods by which you may better know the truth of the said matters, and may be enabled to report thereon, as is by the said Act directed: And I do, therefore, command you and each of you that you do forthwith, and before in anyway acting as such Commissioners, take and subscribe, before one of the judges of the Supreme Court of the said territory, the oaths set forth in the schedule to the said Act annexed, marked (A.); and that immediately thereafter you do proceed to investigate and report upon the claims referred to you as aforesaid, being guided therein by the real justice and good conscience of the case with regard to legal forms and solemnities, and directing yourselves, by the best evidence you can procure, or that is laid before you, whether the same be such evidence as the law would require in other cases or not, and adhering strictly, in all respects whatsoever, to the instructions, provisoes, and restrictions which are in the said Act contained, or which may from time to time be issued in pursuance thereof by the Governor of the said territory for the time being: provided always, that these presents and the powers hereby granted shall altogether cease and determine whenever the same shall be notified by command of the said Governor.

Given under my hand and the seal of the territory, at Government House, Sydney, in New South Wales aforesaid, this 30th day of September 1840.

(signed) *George Gipps.*

By his Excellency's command,

(signed) *E. Deas Thomson.*

(No. 2.)

INSTRUCTIONS for the Commissioners appointed to examine and report on Claims to Grants of Land in *New Zealand*, under the Act of the Governor and Council, 4 Victoria, No. 7.

1. THE Commissioners will proceed with all convenient dispatch to the Bay of Islands, and on arriving there will wait on the Lieutenant-governor, and after showing him their commission and instructions, will advise with him as to the best means of entering on their duties. In the execution of their commission they will not be subject to the control of the Lieutenant-governor, except in the particulars hereinafter mentioned, but they will of course at all times yield to him the respect that is due to his station.

2. They will bear in mind that the Act of Council does not authorise them to inquire into any case which is not specially referred to them by the Governor of New South Wales.

3. Before proceeding to the actual investigation of any case, they will take care that the following particulars are duly notified for at least 14 days in one or more New Zealand newspapers, viz. the names of the parties interested as claimants; the names of all alleged settlers; the situation, boundaries, and estimated extent of the land claimed; the names of any opponents; the place of hearing, and the time of hearing. In cases of doubt or great importance, it will also be desirable that copies of the notices be transmitted to the governments of New South Wales and Van Diemen's Land, for the purpose of being inserted in the respective government gazettes.

4. Either

4. Either the official protector of aborigines, or some person appointed in his stead by the Lieutenant-governor, must be present at all their investigations, in order to protect the rights and interests of the natives. The attendance of competent interpreters must also be insured.

5. The Commissioners will conduct their proceedings, as far as they conveniently can, with open doors, especially whilst witnesses are under examination; but they will have the power of closing their doors for the purpose of deliberation, or, if necessary, to preserve order; and also to make such rules for the proceedings of their court as they may deem requisite, being consistent with the provisions of the Act and with these instructions.

6. In summoning and examining witnesses, recording evidence, and in every other step of their procedure, they will govern themselves strictly by the directions contained in the Act of Council; and in preparing their reports, they will adopt the accompanying form (Z), transmitting them with the least possible delay to the colonial secretary of New South Wales for the decision of the governor.

7. By the fifth clause of the Act the Commissioners are directed in every respect to set forth the number of acres which the payments made to the natives by the claimants would be equivalent to, according to the table in Schedule (D). They are not, however, to consider themselves absolutely bound to adhere to the number of acres so determined, but within moderate limits will be at liberty to recommend more or less, according to circumstances. As a general rule, the number derived from the table may be considered as the minimum to which the claimant may be entitled, whilst the maximum is fixed by the Act at 2,560 acres. The cases in which less than the minimum may be given will probably be where the land claimed is from its situation or quality particularly valuable, or where the articles given in barter to the natives were likely to be hurtful to them instead of useful,—such, for instance, as gunpowder, fire-arms, or ardent spirits, or where the intercourse of Europeans has clearly been prejudicial to the natives. More than the number derived from the table may be given in a case where any individual has rendered personal services to the natives, or where he may not be allowed to retain all the land on which he has made improvements. These, however, are points in which the Commissioners must be guided by their own discretion, and of course they must take care to keep their awards as far as possible in harmony with and in due proportion to each other.

8. In calculating the value of improvements on lands not to be retained by the claimant, the Commissioners will only take into consideration how much more would the land sell for in consequence of the improvements effected on it than it could sell for if entirely in an unimproved state. This sum, or its equivalent in land at its present selling value, may be allowed to the claimant in addition to the quantity to which he is entitled on account of his purchase from the natives, whether that quantity be 2,560 acres or less; but it is of course to be understood that this applies only to cases in which the land wherein the improvements were made is not allowed to be retained by the claimant; when he retains the land, he has the full benefit of his improvements, and therefore can claim no compensation for them.

9. The Commissioners are also desired by the Act to set forth the situation, measurement, and boundaries by which the lands which they award to any claimant may afterwards be described in a deed of grant. To enable them to do this, a surveyor will be placed under their orders.

10. In addition to the particulars above mentioned, they will specify in each report the mode of conveyance used in the purchase from the natives, whether a formal deed or otherwise, the parties to it, and the proof; they will also insert a description of the land alienated by such conveyance, but not awarded to the claimant, defined with such exactness as may be practicable, and as may suffice for identifying the same, and preventing subsequent intrusion or encroachment.

11. In making their awards, or in marking out lands, they will observe the general regulations which already have, or may hereafter be established in New Zealand, in respect to frontage on roads, rivers, or coasts, as well as other particulars, and take care that the whole quantity awarded in any one case be taken in one block.

12. In the reservation of sites for towns, villages, works of defence, or other public purposes, they will (agreeably to the Act) follow such instructions as they may receive from the Lieutenant-governor of New Zealand, and in the absence of any instructions from him, they will act on their own discretion; and in awarding compensation for any lands which, were they not required for such purpose, might be granted to the claimant, they will take into consideration the probable value only which the lands would have been of to the claimant, had he been allowed to retain them, and not the additional value which they may acquire in the hands of the Government, or in consequence of any proceeding on the part of the Government. They will also further take into consideration the increased value which may be given to any of the lands awarded to the claimant by the neighbourhood of the town, village, or work of defence to be established on the land retained by the Government. The compensation for lands so resumed may, if the case require it, be in excess of the maximum grant of 2,560 acres.

13. As land will probably be claimed by the same person in different localities, every claimant, at his first appearance before the Commissioners, should be required to state the whole amount of his claims in all the islands of New Zealand, and at the same time he should be warned (if a warning seem necessary), that the utmost which can be allowed for the claims of the same individual in the whole of the islands is 2,560 acres; also, that the claims of a number of partners can only be considered as the claim of one individual.

 14. When

NEW ZEALAND.

14. When parties claim in different localities, each separate claim preferred by the same individual is to be considered as a distinct case, and decided accordingly, *i. e.* on its own merits, and within its own localities, with the single exception, that the aggregate quantity recommended must not exceed 2,560 acres. Where the aggregate would exceed that quantity, the Commissioners will use their own discretion, consulting, however, the wishes and convenience of the claimants, as far as possible, whether to deduct the excess from any one of the spots claimed, or proportionably from the whole.

15. If it shall appear, in the investigation of any case that the real claimant, or rather the person who ought to be the claimant, is an alien, the fact must be specially reported; but if the alien do not object, having the opportunity to do so, the award may go on, and the report be made as in other cases.

16. The Commissioners are not to decline to enter into any case on the ground that the fair claims of the parties will not be satisfied with 2,560 acres, it being an indispensable condition that every claim must be reported on by the Commissioners, except such report be dispensed with by the Governor.

By his Excellency's command.

Colonial Secretary's Office, Sydney, 2 October 1840. (signed) *E. Deas Thomson.*

— No. 6. —

No. 6. Governor Sir George Gipps to Lord John Russell. 5 November 1840.

(No. 175.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney, 5 November 1840.

My Lord,

WITH reference to my despatch of the 9th October last, No. 152, reporting the appointment of three gentlemen to be Commissioners for inquiring into claims to grants of land in New Zealand, I now beg leave to report the salaries which I have respectively assigned to them.

I have consequently now to report to your Lordship, that to each of them I have allowed the sum of 30 *s.* per diem; and to Mr. Fisher the additional salary of 10 *s.* per diem, as law adviser to the commission.

I considered it not only desirable, but almost indispensably necessary, that one member at least of the commission should be a lawyer, there being no law officer of any description in the colony of New Zealand; and in former despatches (particularly that of the 18th December 1839, No. 176,) I have sufficiently, I hope shown, that in this colony no man of any reputation as a lawyer, could be found to serve the Government at a lower rate of remuneration than that which I have allowed to Mr. Fisher.

The extra remuneration of 10 *s.* a day was granted to Mr. Fisher under the denomination which I have mentioned, of law adviser to the commission, in order to avoid, on the one hand, giving him an avowed superiority over the other Commissioners; or, on the other, admitting a claim on their part, to be placed in regard to salary on an equality with him.

I have further to add, that the salaries of all the Commissioners are to be exclusive of travelling expenses.

I have, &c.
(signed) *Geo. Gipps.*

— No. 7. —

No. 7. Lord John Russell to Governor Sir Geo. Gipps. 28 May 1841.

(No. 277.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

Sir, Downing-street, 28 May 1841.

I HAVE to acknowledge the receipt of your despatch, No. 175, of the 5th of November last, reporting the amount of salaries which you had assigned to the commissioners appointed by you for inquiring into claims to grants of lands in New Zealand; and having communicated on the subject with the Lords Commissioners of the Treasury, I have to convey to you the sanction of Her Majesty's Government for the admission of such expenditure as may be incurred under the arrangements reported by you for the investigation of those claims, until the

the commissioners nominated by you shall have received the notification of the abrogation of those arrangements by the appointment of a commissioner from this country.

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I am, &c.
(signed) *J. Russell.*

— No. 8. —

(No. 185.)

No. 8. Governor Sir George Gipps to Lord John Russell. 6 December 1840.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government House, Sydney, 6 Dec. 1840.

I HAVE the honour to report to your Lordship that Her Majesty's sloop Favorite, Captain Dunlop, is returned to Sydney from New Zealand, being in want of provisions.

I enclose a copy of a letter from Captain Dunlop, by which your Lordship will perceive that nothing of any importance had occurred at the French settlement at Akeroa, in the Middle Island, up to the time Captain Dunlop left it, which was on the 25th ultimo. *5th Dec. 1840.*

The Favorite will return to New Zealand as soon as she can be completed with provisions and be got ready for sea.

I have, &c.
(signed) *Geo. Gipps.*

Enclosure in No. 8.

Encl. in No. 8.

Her Majesty's Ship Favorite,
Port Jackson, 5 Dec. 1840.

Sir,

I HAVE the honour to inform your Excellency that, in compliance with your request, I proceeded on the 8th September in the sloop under my command to the Bay of Islands, and communicated with Captain Hobson, Governor of New Zealand. I then conveyed his Excellency to the Waitemata. Agreeably to his request I proceeded to Akaroa, *viâ* Port Nicholson, for the purpose of observing the motions of the French corvette L'Aube, and the settlement formed by the French at Akaroa. I have the most solemn assurance from Captain Lavaud that he has no instructions from his Government further than that he is on the coast of New Zealand for the protection of the French whale fishery.

As far as my own observations go relative to the settlement, they are in anything but a forward state, not having any stock whatever; in fact they are living upon salt and preserved meats, with what vegetables they can get from their small gardens, which at present is all the cultivation to be seen. The colonists number about 60. Captain Lavaud was building a store for them to protect their property from the weather. I understand the French Company have provided provisions till next July. The Comte de Paris, the ship that brought the settlers out, was to sail for the whale fishery a day or two after my departure. I left Akaroa on the 25th November.

I have, &c.
(signed) *R. S. W. Dunlop,*
Acting Commander.

To His Excellency Sir George Gipps,
&c. &c. &c. Sydney.

— No. 9. —

(No. 188.)

No. 9. Governor Sir George Gipps to Lord John Russell. 17 December 1840.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney,
17 December 1840.

My Lord,

I HAVE the honour herewith to forward to your Lordship a copy of a letter which I addressed on the 16th instant to the Lieutenant-governor of New Zealand, respecting the disposal of land in that colony, in consequence of having received your Lordship's despatch of the 31st May last, No. 93. *16th Dec. 1840.*

For Lord J. Russell's Despatch, 31 May, No. 93, vide Papers relative to New South Wales, ordered by the House of Commons to be printed, 29 July 1840, No. 559.

I shall do myself the honour to communicate to your Lordship a copy of the Lieutenant-governor's answer as soon as it reaches me.

I have, &c.
(signed) *George Gipps.*

NEW ZEALAND.

Encl. in No. 9.

Enclosure in No. 9.

(No. 51.)

Sir, Government House, Sydney, 16 December 1840.

HEREWITH I enclose a copy of the regulations for the disposal of land in the colony of New South Wales which were issued on the 5th instant, in conformity with instructions received from the Secretary of State. I also enclose a copy of the despatch on which those regulations are founded.

You will perceive that the introduction of the system of selling land at an uniform price is confined at present to the northern and southern districts of the colony of New South Wales, and that the despatch from the Secretary of State takes no notice whatever of New Zealand; at the same time, the reasoning contained in the despatch is doubtless as applicable to New Zealand as to the northern district, and far more applicable to it than to the southern, or Port Phillip district; and I can therefore scarcely doubt that the order would have been extended to New Zealand, had New Zealand at the time the despatch was written, been recognised as a British colony.

Under such circumstances, I should scarcely hesitate as to the propriety of extending the system to New Zealand, had I not myself sent home during the course of the last six months, and especially in my despatches of the 30th June and 27th October last, such information respecting the progress of our sales by auction, and the prices realised at them, as might have led to some modification of the orders contained in the despatch of the 31st May last, had it then been before the Secretary of State. Under all the circumstances of the case, I am desirous of having the advantage of your opinion before anything final is decided on.

No land sales have yet taken place in New Zealand; but a sale is advertised for the month of March next; there is yet time to stop this sale, and to adopt the system of the uniform price, should it be deemed proper so to do. This, therefore, is the point which I wish to bring under your consideration.

I enclose to you confidentially, a copy of a despatch which I have addressed to the Secretary of State, reporting the way in which the orders contained in his despatch of the 31st May have been carried into effect. The other information which I have during the last six months forwarded to the Secretary of State respecting the progress of our land sales, is substantially the same as that transmitted to you in my letters of the 3d of September and 3d of October last.

I have, &c.

His Exeellency Lieut.-governor Hobson, New Zealand. (signed) *George Gipps.*

— No. 10. —

No. 10. Governor Sir George Gipps to Lord John Russell. 12 January 1841.

(No. 12.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney, 12 January 1841.

My Lord,

I HAVE the honour to report to your Lordship that the sums advanced out of the Crown revenue of this colony, on account of the Government of New Zealand, amounted on the 31st December last to 33,064 *l.* 1 *s.* 1 *d.*, and that although it is impossible to form any correct estimate of what the expenses of that Government above its receipts may be for the current year, 1841, I think it not improbable that about 50,000 *l.* will be required to maintain it in efficiency.

How far we may be able to meet this demand, it is scarcely possible for me to say. I cannot as yet anticipate the extent to which the new regulations for the disposal of land may affect our revenue; but I feel it right to remark to your Lordship, that should a failure take place in our resources, I shall have no means of providing for New Zealand but by drawing on the Lords of the Treasury.

I have, &c.

(signed) *George Gipps.*

NEW ZEALAND.

No. 11.
Governor Sir George Gipps to Lord John Russell.
29 January 1841.

—No. 11.—

(No. 27.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney,
29 January 1841.

My Lord,

I HAVE the honour to enclose herewith a copy of a despatch from the Lieutenant-governor of New Zealand, dated the 29th December 1840, respecting a notice which had been issued in a newspaper at Port Nicholson by an agent of the New Zealand Company, inviting persons to select allotments at Wanganui and Taranaki.

29th Dec. 1840.

As these places are situated beyond the limits of the 110,000 acres, which I recommended in my despatch of the 6th October 1840, No. 147, to be confirmed to the purchasers from the company, I thought it proper at once to declare that no such selections would be allowed; and I accordingly returned the answer, of which a copy is annexed, to the Lieutenant-governor, and have further directed a notice to the same effect to be inserted in the Government Gazette of this colony.

Despatch 6 Oct. No. 147, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 122.

12th Jan. 1841. No. 2.

I trust your Lordship will approve of the measures which I have adopted.

I have, &c.

(signed) *George Gipps.*

Enclosures in No. 11.

Encls. in No. 11.

(No. 1.)

(40/124)

Sir, Government House, Russell, 29 Dec. 1840.

REFERRING to your Excellency's letter, dated and numbered as in the margin, covering copies of communications made to the deputation from Port Nicholson by your Excellency, and informing me the conditions on which the settlers are to remain undisturbed on the lands they have taken possession of. I do myself the honour to inform you that notice has been published in the Port Nicholson papers by Captain Smith, R.A., who signs himself surveyor-general of the New Zealand Company, that plans of the district of Wanganui and Taranaki were ready for inspection, and that the selection therein would take place on Monday, 4th February, 1841.

2d Oct. 1840. Despatch, No. 40.

I have to request that your Excellency will furnish me with instructions as to the course I should pursue to prevent the serious consequences that must inevitably result from the Company apportioning lands so distant from their settlement, in contravention of your Excellency's conditions, reservations, and limitations, as expressed in Enclosure D, the lands of Taranaki being distant one hundred miles from Port Nicholson, and those of Wanganui being far beyond the limits of any block including Port Nicholson that can be comprised within 110,000 acres.

I have, &c.

His Excellency Sir George Gipps,
Governor, &c. &c.

(signed) *W. Hobson.*

(No. 2.)

(No. 5.)

Sir, Government House, Sydney, 12 Jan. 1841.

I HAVE had the honour to receive your despatch of the 29th December, No. 124, informing me that a notice has been published in a newspaper at Port Nicholson, that plans of the district of Wanganui and Taranaki are ready for inspection, and that selections therein would take place on Monday, the 4th of February, the notice being signed by a person who calls himself surveyor-general to the New Zealand Company; and I have in consequence to desire that you will without loss of time, direct the police magistrate at Port Nicholson to notify in the most public manner possible, that no such selections will be acknowledged by Her Majesty's Government, nor any titles whatsoever derived from the New Zealand Company beyond the limits of 110,000 acres taken in one continuous block round Port Nicholson.

I have, &c.

His Excellency Lieut.-governor Hobson,
New Zealand.

(signed) *George Gipps.*

NEW ZEALAND.

No. 12.
Governor Sir George Gipps to Lord John Russell.
5 March 1841.

— No. 12. —

(No. 60.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
5 March 1841.

My Lord,

WITH my despatch of the 17th December last, No. 188, I transmitted to your Lordship a copy of a letter which I addressed on the 16th to the Lieutenant-governor of New Zealand, respecting the disposal of land in that colony, in consequence of having received your Lordship's despatch, No. 93, of the 31st May 1840.

I have herewith the honour to transmit to your Lordship a copy of the Lieutenant-governor's reply, dated the 16th February 1841, and received the 4th instant.

16 Feb. 1841.

By this reply your Lordship will perceive that it is the intention of the Lieutenant-governor to proceed with the sale of land by auction, taking care, however, that no allotments in the town of Auckland, the intended capital of the colony, shall be sold for less than 100 *l.* per acre.

I have, &c.
(signed) *Geo. Gipps.*

Enclosure in No. 12.

(41/5.)

Encl. in No. 12.

Sir, Government House, Russell, 16 February 1841.

I AVAIL myself of the first opportunity that has presented itself to acknowledge the receipt, on the 3d instant, of your Excellency's duplicate letter, No. 51, enclosing a printed copy of the New Land Regulations for the Sale of Crown Lands within the northern and southern districts of New South Wales, and a duplicate copy of your letter thereon to the Secretary of State, dated the 19th of December 1840.

I most fully concur with your Excellency that, although New Zealand is not mentioned in these despatches, the inference to be drawn from them is, that his Lordship contemplates the introduction into this country of the system of selling land at an uniform price, and I likewise agree with your Excellency in thinking it probable that the comprehensive financial statements contained in your letters will induce his Lordship to modify that system, at all events as regards the vicinity of towns, where the price by the new regulations is most disproportionate to the value of the land.

Considering, therefore, that New Zealand is by implication included in the new regulations for the sale of land, the question on which your Excellency did me the honour to invite my opinion, I conceive to be,—should the sale of Auckland be postponed until the new regulations can be brought into operation, or is it advisable under the particular circumstances of the case that it should be proceeded with in accordance with the notice that has been published both here and in New South Wales?

Presuming that it is deemed expedient to delay no longer the settlement of a town at the seat of Government, I am of opinion that the modification which may be expected to result from your Excellency's statements is in itself sufficient to justify, in the absence of a positive command to the contrary, the sale of town allotments on the old system; and taking into consideration the inconvenience to the public that would result from a postponement of the sale to an indefinite period, now that a large number of persons have collected on the spot for the purpose of buying allotments, and the utter discredit that would attach to the Government on the announcement of such a procedure, for the second time within six months. I respectfully submit that it would be most unwise to adopt a course which would be readily attributed to indecision, and would inevitably destroy all confidence in the future measures of Government, and that the only course, therefore, open for the Government is to proceed with the sale on the 8th of next month, as announced in the public advertisements.

The long period that elapsed between the date and receipt of your Excellency's despatch, and the further delay of 14 days before I am enabled to forward my answer, preclude the possibility of my receiving your Excellency's final decision on this matter before the day appointed for the sale. Being therefore reduced to the necessity of acting upon my own responsibility, I have resolved that the sale shall take place, but under a restriction to the treasurer that no allotment shall be sold under 100 *l.* per acre.

I am encouraged by the general tenor of your Excellency's letter to hope that this measure may meet your approbation; at all events, I trust you will believe that I have, under all circumstances, been influenced by a desire to meet your wishes, and to forward the views of Her Majesty's Government.

I have, &c.
(signed) *W. Hobson.*

His Excellency,
Sir George Gipps, Governor,
&c. &c. &c.

— No. 13. —

(No. 61.)

No. 13.
Governor Sir George Gipps to Lord John Russell.
5 March 1841.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney,
My Lord, 5 March 1841.

HEREWITH I have the honour to forward to your Lordship copies of some communications which I have received from the Lieutenant-governor of New Zealand, with my answers to the same, all bearing on subjects connected with the expenditure of his Government.

From Capt. Hobson.
No. 9. 15 Feb.
10. —
13. —
14. —
Replies.

My object in forwarding these documents, is respectfully to draw your Lordship's attention to the unsatisfactory state of the financial arrangements between the two Governments, which in all probability will lead to the contracting of a debt by New Zealand to New South Wales, extremely difficult for the former colony to discharge.

Many other documents of the same nature might have been added, but the present will be sufficient, I hope, for the purpose which I have in view.

I have, &c.
(signed) *George Gipps.*

Enclosures in No. 13.

(41/9.)

Encls. in No. 13.

Sir, Government House, Russell, 15 February 1841.

I DO myself the honour to submit to your Excellency the following proposal, which has been made to me by Francis Fisher, Esq.; and if it meets your Excellency's approval, it may, as a temporary expedient, render this Government very useful service.

Mr. Fisher offers his professional services, as law adviser to the New Zealand Government, provided his salary be increased to eight hundred pounds a year (800 *l.* per annum), inclusive of his allowance as a commissioner. Should your Excellency see no objection to the proposal, I shall be glad to avail myself of the offer, having been subjected to many difficulties from the want of a competent adviser.

I have, &c.
His Excellency Sir George Gipps, (signed) *W. Hobson.*
Governor, &c. &c.

(No. 12.)

Sir, Government House, Sydney, 2 March 1841.

I HAVE had the honour to receive your despatch, No. 9, of the 15th February last, conveying an offer from Mr. Fisher to act as law adviser to your Government, provided his salary be increased to 800 *l.* per annum. I regret, however, to state, that such additional employment, if not absolutely incompatible with his duty as a commissioner, would, it appears to me, be at least so disadvantageous to the progress of the business of the commission, that I am reluctantly obliged to decline giving my sanction to the arrangement.

I have, &c.
His Excellency Lieut.-governor Hobson, (signed) *George Gipps.*
New Zealand.

(41/10.)

Sir, Government House, Russell, 15 February 1841.

I DO myself the honour to transmit to your Excellency the copy of a letter received by the Colonial Secretary from Mr. John J. Montefiore, offering to dispose of his store-ship, Tuscan, to this Government, for the sum of 400 *l.*

Taking into consideration the many difficulties I shall have to encounter in providing accommodation for Government stores, &c. at the Waitemata, I should feel obliged by your Excellency's sanctioning the proposal made by Mr. Montefiore.

I have, &c.
His Excellency Sir George Gipps, (signed) *W. Hobson.*
Governor, &c. &c.

NEW ZEALAND.

Sir, Russell, 8 February 1841.

As I am on the point of disposing of the Tuscan, store-ship, of about 310 tons burthen, and conceiving that she would be very handy for a magazine hulk, bonded store, pilot station, and many other ways, for the use of Her Majesty's Government. I beg leave to tender the same for any of the above purposes, together with her ground-tackle, two lower masts, and bowsprit, for the sum of 400 *l.* sterling.

The Tuscan has six airy ports, and is six feet high in her 'tween decks.

I am, &c.

W. Shortland, Esq. Colonial Secretary, &c. &c. (signed) *John J. Montefiore.*

(No. 13.)

Sir, Government House, Sydney, 3 March 1841.

I HAVE had the honour to receive your despatch (No. 10) of the 15th February last, proposing to purchase the store-ship called the Tuscan, which has been offered to you by Mr. Montefiore for the sum of 400 *l.*

In authorising you to act on your own discretion in this matter, I feel it necessary to observe, that the whole responsibility for the decision which you may adopt must rest upon yourself, and that my sanction to any purchase in New Zealand, or other expenditure not absolutely necessary for the establishment of Her Majesty's authority in the islands, must henceforth be considered only as a permission for money to be advanced to your Government and expended under your own control.

The position in which the two Governments stand to each other, seems to me to render such a view of the subject absolutely necessary, especially since the intention of Her Majesty has been announced, under the sanction of Parliament, speedily to separate them. The existence of a large debt from New Zealand to New South Wales at the time of separation would be an inconvenience to both colonies, on the probable effects of which it cannot be necessary for me to speculate.

I have, &c.

His Excellency Lieut.-governor Hobson, New Zealand. (signed) *George Gipps.*

(41/13.)

Sir, Government House, Russell, 15 Feb. 1841.

I DO myself the honour to inform your Excellency that I have deemed it expedient to purchase from Mr. Terry of Waitemata, a wooden house, built by Manning of London, upon the same construction and style as Government House, for 350 *l.*; Mr. Terry undertaking to erect it for that sum, of which I trust your Excellency will be pleased to approve.

I regret that I am unable to forward to your Excellency by this opportunity a copy of Mr. Mathew's report on the subject, it having been packed up and forwarded to Auckland with the colonial secretary's papers. The house has, however, been erected, and forms a very suitable appendage as an office.

I have, &c.

His Excellency Sir George Gipps, Governor, &c. &c. (signed) *W. Hobson.*

(No. 14.)

Sir, Government House, Sydney, 4 March 1841.

I HAVE had the honour to receive your despatch of the 15th February last, No. 13, reporting the purchase, from Mr. Terry, of a wooden house which had been sent out in frame from England; and I have directed the auditor-general to admit the sum of 350 *l.* in the accounts of your Government for the purchase.

I have, &c.

His Excellency Lieut.-governor Hobson, New Zealand. (signed) *Geo. Gipps.*

(41/14.)

Sir, Government House, Russell, 17 Feb. 1841.

I HAVE the honour to submit to your Excellency a letter I this moment received from Dr. Dieffenbach, offering his services to the Government to traverse these islands in pursuit of scientific information.

Dr. Dieffenbach's letter was elicited by a conversation I held with him yesterday, in which I expressed a wish that he would put his proposal in writing, which was much to the same effect as that which is now submitted.

Dr. Dieffenbach's attainments are of the highest order; he is most enthusiastically attached to science, and he possesses physical powers which enable him to pursue his researches to the greatest extent. My opinion is, that such a man may unfold to us the real resources of the country, and that we are proceeding blindfold until such knowledge is attained.

The

The terms on which Dr. Dieffenbach proposes to travel for the Government to any point I think proper to direct him, is simply that the expenses of his journey should be paid; and he plainly told me that these were the conditions, without salary, on which he served the New Zealand Company. In conversation he stated, in addition to what he has written, as his reason for withdrawing from the Company, that not only was he restricted to a partial examination of the country, but his researches were not faithfully reported; and that only those parts which suited the purposes of the Company were published.

Pending your Excellency's sanction, I will propose to Dr. Dieffenbach to traverse the country between this and Auckland, the expense of which I will defray, and if it should meet your approval that he be retained in the service of the Government, I will next direct his attention to the central districts, which are at present but imperfectly known.

I have, &c.
(signed) *W. Hobson.*

His Excellency Sir George Gipps,
Governor, &c. &c.

Sir, Bay of Islands, 16 February 1841.

In compliance with your Excellency's request, I have the honour to lay before you the following statement:

I was engaged by the New Zealand Company, on the recommendation of Captain Washington, Secretary of the Royal Geographical Society, and of some of the most distinguished naturalists of Great Britain. My object in coming to New Zealand was entirely scientific; that is, I wished to obtain and communicate correct information respecting the nature of this group of islands, in a geological, mineralogical, botanical, and zoological, point of view, and from these researches to derive a result as to the real value of the country as an English colony, agricultural and commercial. In this sense I have communicated to the Company full reports on the places I have visited. I have accompanied the reports by collections in all branches of natural history, which have been forwarded to London.

In wishing to exchange my position to the Company with a similar one under Government, I am guided by the persuasion that I shall thus be enabled to fulfil more fully my intention to visit the whole of the islands, instead of a part of them; and by a close examination, to direct the attention of the Government to those places which are likely to become of the greatest importance.

Thus travelling through the country in all directions would be my chief employment. If the foundation of a public museum, and the establishment of a botanical garden, should be intended, the arrangement of the former and the superintendence of the latter seem also to belong to the department of the naturalist. I need not observe how highly beneficial the botanical garden could be made for developing the agricultural resources of the infant colony.

I have, &c.
(signed) *Ernest Dieffenbach.*

His Excellency Captain Hobson,
Lieutenant-governor of New Zealand.

(No. 15.)

Sir, Government House, Sydney, 5 March 1841.

I have had the honour to receive your despatch of the 17th February 1841, transmitting a proposal from Dr. Dieffenbach to enter into the service of Government as naturalist, and to travel in New Zealand, in order to collect scientific information for the benefit of the public.

I am well acquainted with the high qualifications of Dr. Dieffenbach, and also aware that there is much information to be acquired in New Zealand, which it is very desirable for the Government to possess, but in the position in which the two colonies stand to each other, I regret to say that I do not feel at liberty to apply any part of the revenue of New South Wales to a purpose in New Zealand which is not essential to the establishment of Her Majesty's Government therein.

I have, &c.
(signed) *George Gipps.*

His Excellency Lieut.-governor Hobson,
New Zealand.

— No. 14. —

No. 14.
Lord John Russell to Gov. Hobson.
4 August 1841.

(No. 43.)

Copy of a DESPATCH from Lord *John Russell* to Governor *Hobson.*

Sir, Downing-street, 4 August 1841.

I have received from Sir George G[illegible]s a despatch, dated the 5th of March last, transmitting copies of the several [illegible]mmunications which he had received from you of the dates noted in the ma[illegible]n, together with copies of his answers to the same.

No.
9. 15 Feb. 1841.
10. —
13. —
14. —

569. I have

NEW ZEALAND.

I have referred for the consideration of the Lords Commissioners of the Treasury the following items of expenditure which you have authorised, namely, 400 *l.* for the purchase of a store-ship for the use of the Government, and 350 *l.* for the purchase of a wooden house to serve as a public office.

I approve of Sir G. Gipps's refusal to sanction the arrangements which you proposed for the employment of Mr. Fisher as law adviser to your Government, and of Mr. Dieffenbach as naturalist, on the ground of their not being, in his opinion, essential to the establishment of Her Majesty's Government in the colony.

I take this opportunity of impressing upon you the necessity of observing a strict regard to economy in the expenditure of your Government; and of informing you that unless that expenditure is kept within moderate bounds, it will not receive the sanction of Her Majesty's Government.

I am, &c.
(signed) *J. Russell.*

No. 15.
Governor Sir George Gipps to Lord John Russell.
5 March 1841.

— No. 15. —

(No. 62.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney,
5 March 1841.

Sir,

I HAVE the honour herewith to transmit to your Lordship copies of a correspondence which I have had with the Lieutenant-governor of New Zealand, on the subject of a practice recently established by Europeans in New Zealand, of taking land on lease from the natives, for the purpose of evading the enactments of the Act of Council, recently passed for the investigation of titles to land in New Zealand, 4 Vict. No. 7.

I have, &c.
(signed) *George Gipps.*

Enclosure in No. 15.

(Confidential.)

Encl. in No. 15.

Sir,

Auckland, 25 October 1840.

SINCE my arrival in the Thames, I learn that the practice of taking land on fictitious leases from the natives for long terms, which I once before had the honour of bringing to your Excellency's notice, is most universal in this district.

I should be glad of a legal opinion how I can most effectually put a stop to such proceedings, which, if allowed to be persevered in, may produce most mischievous consequences.

Parties engaged in these transactions defend their legality, because the New Zealand Land Bill does not in express terms provide against leasehold tenure, although it must be obvious to every reasonable man, that all titles must include leasehold, as well as copyhold or freehold. The remedy I propose is, for Government to purchase the fee-simple from the natives of some of these properties that are held on lease, and eject the tenants, and take possession of any improvements or enclosures that may have been made.

I have, &c.
(signed) *W. Hobson.*

His Excellency Sir George Gipps, Governor, New South Wales.

(No. 1.)

Sir,

Government House, Sydney, 4 January 1841.

29th Dec. 1840.

WITH reference to your despatch of the 25th October last, marked "confidential," I have herewith the honour to send you a copy of the opinion of the Attorney-general of this colony on the subject of leases of land from the aborigines of New Zealand.

I have, &c.
(signed) *George Gipps.*

His Excellency Lieut.-governor Hobson, New Zealand.

Sir, Attorney-General's Office, 29 December 1840.

I HAVE the honour to acknowledge the receipt of your letter, dated 7th instant, transmitting a confidential despatch (herewith returned) from the Lieutenant-governor of New Zealand, reporting the practice by settlers of occupying land on fictitious leases from the natives, and requesting me to point out in what way the occupation of land on lease from the natives can be put a stop to.

In reply, I beg leave to state that the ordinary mode of ejecting unauthorised occupants of Crown land, is by the common law form of proceeding, viz. information of intrusion filed by the Attorney-general.

The Act of Council, 4 Will. 4, No. 10, amended by 5 Will. 4, No. 12, gives power to the Governor to appoint commissioners, who may prevent intrusion on Crown lands, but before this Act be acted under, it would be advisable for some officer on behalf of the Government to erect beacons or some land-mark to indicate that the Crown took formal possession. The invalidity of the titles set up under leases from the chiefs can only be decided conclusively and satisfactorily in the Supreme Court.

I have, &c.

The Honourable the Colonial Secretary. (signed) *John H. Plunkett,*
Attorney-general.

(No. 41/15.)

Sir, Government House, Russell, 17 February 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 4th January, enclosing the opinion of the Attorney-general of New South Wales on the subject of leases from the aborigines of New Zealand.

The opinion of the Attorney-general, with every deference to that gentleman, does not, I imagine, meet the case complained of. If the lands held on lease from the aborigines of New Zealand could be deemed Crown lands, the course to be adopted is plain and obvious; but those lands are the property of tribes, and the parties holding them, not laying claim to them in fee, do not deem it necessary to prefer any claim before the Commissioners, but continue to occupy and cultivate them as tenants under the chief. The question is, How are such persons to be dealt with?

I have, &c.

His Excellency Sir George Gipps, &c. &c. &c. (signed) *W. Hobson.*

(No. 16.)

Sir, Government House, Sydney, 6 March 1841.

I HAVE had the honour to receive your despatch, No. 15, of the 17th February 1841, pointing out that the opinion of the Attorney-general transmitted by me to you on the 4th January last, on the subject of leases taken by Europeans from the aborigines of New Zealand, does not meet the difficulties of the case formerly represented by you.

I perfectly agree with you that the Attorney-general's opinion does not meet the difficulties in question, unless by some previous operation the lands can be made to bear the character of Crown lands: this, however, they may be made to do by purchase or cession from the natives; and if it be rightly understood that leases from the natives will not be admitted as valid by the Crown after the lands may have been purchased, the practice of taking land on lease will, I apprehend, speedily fall into disuse. Should this, however, not be the case, a legislative enactment may be necessary to stop the evil.

Such an enactment must be based upon the principle that uncivilised tribes, not having an individual right of property in the soil, but only a right analogous to that of commonage, cannot, either by a sale or lease, impart to others an individual interest in it, or, in any words, that they cannot give to others that which they do not themselves possess.

You are aware that this is a position which I maintained in Council when the Act of the 4th Vict. No. 7, was under consideration; but until that principle shall have received the sanction of Her Majesty's Government by the allowance of the Act referred to, I should be unwilling to bring it again into discussion; and therefore I think that no legislative measure to restrain the granting of leases can be introduced at present.

You should, however, avail yourself of every opportunity to declare that Her Majesty's Government will not suffer so manifest an invasion of the Act of Council before alluded to, as the practice of taking leases from the natives would, if recognised, establish.

I have, &c.

His Excellency Lieut.-governor Hobson, New Zealand. (signed) *George Gipps.*

NEW ZEALAND.

No. 16.
Lord John Russell to Gov. Hobson.
3 August 1841.

— No. 16. —

(No. 42.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hobson*.

Sir, Downing-street, 3 August 1841.

I HAVE received a despatch from the Governor of New South Wales, dated the 5th of March last, No. 62, transmitting copies of a correspondence which had passed between that officer and yourself on the subject of a practice recently established by Europeans in New Zealand of taking land on lease from the natives, for the purpose of evading the enactments of the Act of Council for the investigation of titles to land in that colony.

In order to put a stop to such proceedings, you will immediately introduce to the local Legislature an Act, declaring the invalidity of those leases from the natives, and of every other alienation of their lands (in whatever form, or subject to whatever conditions, or for whatever time such alienation may have been made by them) in favour of any individuals since the proclamation of Her Majesty's sovereignty in New Zealand.

I am, &c.
(signed) *J. Russell.*

No. 17.
Governor Sir George Gipps to Lord John Russell.
5 March 1841.

— No. 17. —

(No. 63.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
My Lord, 5 March 1841.

16th Feb. 1841.

I HAVE the honour herewith to forward a copy of a despatch from the Lieutenant-governor of New Zealand, dated the 16th February last (received the 4th instant), in which the Lieutenant-governor announces the removal of the seat of his Government from the Bay of Islands to the Town of Auckland, on the River Waitemata, which falls into the frith of the Thames.

The Lieutenant-governor in this despatch alludes also to some rumours of disagreements with the natives, which your Lordship will be happy to find are altogether unfounded.

I have, &c.
(signed) *George Gipps.*

Enclosure in No. 17.

(41/12.)

Encl. in No. 17.

Sir, Government House, Russell, 16 February 1841.

I HAVE the honour to inform your Excellency that on the 3d instant I returned from Auckland, where during three weeks, I found ample employment in hastening the preparations for the reception of the Government officers, and in establishing temporary offices necessary for carrying on the duties of Government. On the 13th instant I despatched by the Victoria, the colonial secretary and the clerks of his department, and nearly all the Government stores that remained at this place. In a week, or at farthest in ten days, I will send up the colonial treasurer and his department, and in a fortnight afterwards I hope to be myself finally established at the future capital of this colony.

I was much gratified at the progress made by the workmen; the frame of Government-house was completed before I left, and the offices on one wing were then ready for occupation by my family, being just sufficient to afford them shelter until some of the rooms of Government-house are completed, and fit for their reception. A very considerable body of persons had then collected, and every day has been adding to their numbers; all seem anxious to establish themselves there, and are apparently much pleased with the position.

Previous to my arrival considerable excitement had prevailed, in consequence of a most absurd and unfounded report, that a large body of natives, of the Nga-te-pa-wa tribe had collected in the island of Waikeke, with the intention of attacking the settlement; that the military had blockaded themselves in their barracks, and the settlers and mechanics were formed into squads under the Government officers, for the purpose of defence. Before I reached Auckland it was discovered that the reports which caused the agitation had no foundation; in fact, all the ferment had subsided. Soon after my arrival, a deputation from the suspected tribe waited on me, and denying any intention of molesting us, only seemed solicitous to recommend themselves to my favourable consideration. A similar sensation had prevailed here in my absence, but not to the same extent.

It

It might appear to your Excellency that these alarms having taken place so nearly simultaneously, must have some grounds. I feel assured they have not; that the natives generally are *not* indisposed to us; but that disaffected white men, who as yet I have failed to detect, are endeavouring to sow discord in the country, and part of their scheme is to create suspicion in the minds both of the natives and of the settlers.

I greatly regret that I have it not in my power to place competent garrisons at the principal points where Europeans are established; their presence alone would be quite sufficient to restore confidence to all parties.

I have, &c.
(signed) *W. Hobson.*

His Excellency Sir George Gipps,
Governor, &c. &c.

— No. 18. —

No. 18.
Governor Sir George Gipps to Lord John Russell.
7 March 1841.

(No. 65.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney,
7 March 1841.

My Lord,

I HAVE the honour to forward herewith a copy of a report made by Mr. Clarke, Protector of Aborigines in New Zealand, to the Lieutenant-governor of that colony, containing an account of a visit made by Mr. Clarke to the natives of the districts of the Thames and Waikatoo. *Report.*

These districts comprehend, I believe, by far the largest block of land in New Zealand, that is in its whole extent fit for cultivation. Its length is said to be 100 miles, its breadth from 10 to 30, and its content is roughly estimated at about a million of acres. The existence of this large extent of available land was, I believe, one of the principal reasons which induced Captain Hobson to fix the seat of his Government in the estuary of the Thames.

I lament to find by the report of Mr. Clarke, that the minds of the natives in these districts have been worked upon by some designing and dissatisfied Europeans, so as to induce in them a distrust of the intentions of Her Majesty's Government. I concur with the Lieutenant-governor in thinking that means should be taken to counteract their machinations; and I have signified to him that I shall readily sanction whatever expenditure he may consider necessary for the purpose.

I have, &c.
(signed) *Geo. Gipps.*

Enclosure in No. 18.

PROTECTOR of ABORIGINES' REPORT of his Visit to the *Thames* and *Waikato.* Encl. in No. 18.

ON the 10th December I embarked in the Victoria brig, proceeding to the Thames, for the purpose of visiting the chiefs of that district, and as far as possible to counteract the ill feelings of the natives towards the Government, arising from their natural jealousy, and strengthened and encouraged by designing men; to describe the state of the country through which I might pass; and to treat with the natives for such portions of their land as they may be disposed to part with, and can conveniently spare.

On the 19th December, having received my instructions from his Excellency the Lieutenant-governor, I left Auckland, and proceeded to examine a small river called Wairoa, which forms the western boundary of Mr. Fairburn's land.

The river takes a southern direction, and is entered by the passage to the eastward of Waiheke, leaving the islands of Paheke and Motu Nau (islands purchased by the New Zealand Company) on the eastern side.

The river is navigable for small craft drawing six feet water for about eight or ten miles, for boats and canoes about six or eight miles higher up. The land on the banks of the river is good, but confined, the back ground well wooded, on either side of which neat little farms of from 50 to 100 acres might be laid out.

A day's journey from where it is navigable for boats, is a tract of good country offered by the natives to the Government; but it appears to me it would be some time before this place could be made available for the purposes of Government; other positions of a more important and more inviting nature will no doubt first be occupied; yet in the course of a very few years this may be taken up as a position with advantage; it is covered with timber, and the land very good. The only objections are the present difficulty of access,

NEW ZEALAND.

and labour in clearing the land; if, however, the natives were disposed to part with land from the entrance of the river, the whole might be immediately located with advantage to settlers. I proceeded up the river until it became so choked with timber, that it was dangerous for the boat to go further.

From Wairoa, I proceeded to Orere, a place on the western side of the Thames, where I met with Kahukoki, one of the principal chiefs of the Nga Ti Pawa tribe. He said that since he saw the Governor at Tamaki, in July last, he had heard from Europeans that in the course of a very few years all those chiefs who had signed the treaty would be no better than slaves; they would soon be driven from the sea coast into the interior; while those who have refused to sign it, will maintain their independence and keep their land. I reminded him of the pledge given, both in the treaty, and in the circular addressed to him and others, and of the general character of those who were disseminating such poison amongst them, and prejudicing them against the Government. At Orere there is an extensive tract of good land, but not so much as a boat harbour about the place, and cannot be approached when the wind is strong from the north-east or east; it is, however, well adapted for natives and native culture; the natives on landing immediately haul up their canoes.

Orere is a stony, pebbly beach, about 10 miles below Wakatewai. At this place I took in a guide for Piako, and proceeded towards Wakatewai. The wind setting in strong from the south, obliged us to go on shore at a place called Waihopuhopu, about four miles below Wakatewai, where we spent the night with a large party of natives, who engaged us in conversation until midnight. We found them hospitable, for they supplied us with abundance of fish, but were very apprehensive, they said, as to what the Governor was about to do with them and their land. They were told that a large house (a prison) was to be built, in which they were to be confined, and they would soon become as dependent and degraded as the natives of New South Wales, many of whom they had seen on their visit to that country.

I told them that it was correct that we built prisons for bad men, and probably their advisers were apprehensive of becoming inmates of such a place. It was evident (I said) that the conduct of the natives was generally so good that they had nothing to apprehend on that head, for, with the exception of one case, all who had been sent there were Europeans, from which circumstance, they would see how necessary it was that they should have a governor to protect them from the influence of such men.

They were pleased to learn that prisons were only wanted for Europeans.

From Waihopuhopu, we started at four o'clock in the morning, crossing the Thames from Wakatewai to the mouth of Piako. The ebbing tide obliged us to land at Kaweranga, on the east side, where we waited for the flood to enter Piako.

Before I leave the western side of the Thames, I wish to remark, that the whole of the land from Pakiki to Piako, (the island by Waihiki,) a distance of 30 miles, is in possession of the natives. The back ground is high, well timbered, and watered. There is a large portion of good land for farms of any size; it is, however, better calculated for native culture than European. In general, the land is capable of bearing three large crops of wheat, and in many places level enough for plough culture.

There are, however, no harbours, not even for a boat; but as the westerly and south-westerly winds mostly prevail, vessels may lie off, and until the produce can be taken off to them. The natives of Wakatewai, and indeed all the places where we stopped, had much to say as to the probable intentions of Government towards them. They observed they were to be put down, but the Governor and Europeans were to be exalted.

I had to employ all my eloquence, aided by William Hau, a young chief, who accompanied me from Waimate, to persuade them that their advisers had misrepresented the object of Government, as it was so contrary to all the assurances given them by his Excellency, not only in the treaty and circular addressed to them, but at all public meetings.

One of the chiefs replied that the Governor's book was very good, likewise his talk (korero); but they should watch his actions with some jealousy.

Another chief objected to their present position, because he said, that however good our present Governor might be, he had heard that in a few years they might expect another, who, perhaps, would not be so well disposed towards them; and then turning quickly round to me, he said, "What has that other man on the other side of the water to do with us?" (meaning his Excellency Sir George Gipps,) "they had never seen him, nor he them, neither had he visited their country, yet they had been given to understand that he and his committee" (meaning members of council) "were about taking their land from them" (meaning probably legislating for them). I satisfied them before I left, that they must have been misinformed, and that all land transactions would be conducted as that at the Waitemata, where a fair equivalent was given for all the Government was supplied with.

At four in the evening we entered the Piako with the flood, proceeded a few miles, when we brought up for the night.

The following morning at four o'clock we commenced our course up the Piako with the flood tide, which for eight hours carried us up at the rate of about four miles an hour, through one continued course of swamp; the last four miles the banks of the river were higher, and the land more solid, when at length we opened upon an immense flat, extending over a country as far as the eye could reach. There is, however, a large proportion of swamp in connexion with this plain, and I must confess, I was somewhat disappointed at finding the banks of the river so low as to render the immense swamp, from the entrance of Piako to this place, a distance of nearly 40 miles in the circuitous route of the river,

unavailable

unavailable for agricultural purposes, with the exception of one small place, about 10 miles from the entrance.

On the east side there are two small branches from the Piako river, running south-east, one takes you nearly into the Thames, the other goes through the plain to Mata Mata; the one about 10 miles from the entrance, the other about 30.

Every winter the swamp from the entrance of Piako to the interior, for about 30 miles, is an inland sea, in which nothing but water and the tops of a few kahikatea trees are to be seen, with canoes sailing in all directions over the expanse of water. The only place secure from these inundations is the little elevated spot on the east side, about 10 miles from the entrance of the river, which, in winter season becomes an island, and if a small town was built thereon, it would remind you of those on the Nile, at the time it overflows its banks. I see no probability of redeeming a country lying so low, and receiving such an immense body of water from the interior, with a channel of little more upon an average than 10 yards wide; at any rate it must be many years before it can in any part be made available, and only then with the outlay of immense capital, and a redundant population.

About 30 miles from the mouth of the river you commence a large extent of country available for agricultural purposes.

The principal wood in the neighbourhood is the white pine (kahikatea), and in some places it would have to be carried a considerable distance.

Upon the western side of this river is the extensive purchase of Mr. Webster, who claims upwards of 40 miles frontage, two-thirds of which is unavailable, being swamp; the upper part is good. The depth of the river for about 30 miles up is not less than eight feet. I left Piako at five o'clock in the morning to return to the Thames, and after six hours' pull, landed on a little eminence in the Piako river, and found it more extensive than I had expected; several farms might be laid out, and a communication opened between them and the Thames, either by land or water.

After waiting for the tide for about two hours we made Kaweranga soon after sunset, and the following day, being Christmas day, remained quietly at the mission station, and early the following morning sent the government boat and boat's crew on to Auckland, having succeeded in procuring a boat from Mr. Preece, church mission station, to take me up the Thames on Monday next. In the meantime I visited the chiefs at Kaweranga, to correct the information generally in circulation amongst them, that the plans of Government are inimical to the welfare of the natives, and will ultimately prove the means of their destruction.

This principle seems deeply rooted and widely disseminated around, and time only will eradicate the feeling, the New Zealanders being a people who will be better convinced by practical illustrations of the intentions of Government, than by lengthened discussions. I have the promise from most of the chiefs that they will visit his Excellency when he is finally settled at Auckland.

Monday, 28th, commenced my survey up the Thames, that part of it known by the name of Waihou, accompanied by the principal chief Hou, to whom the land belongs. We made about 15 miles with the flood, when we went on shore at a native fort named Kari, opposite the land purchased by Dr. Martin and Mr. M'Caskel.

The banks of the river about here are not more than two-and-a-half feet above the top of spring tides, which rise to six or eight feet, and at low water there are not more than five or six feet over the flats. The soil is rich, and during heavy rains in the winter season has been known at times to be flooded.

There is one great drawback to the immediate cultivation of this land, namely, that it is heavily timbered with kahikatea; it will require great labour to clear it, but being on the banks of a river, the timber might be available, either sawn on the spot or floated down in logs to any market in the Thames.

In the evening we went on shore at a native village belonging to a powerful chief, whose name is Taraia; here the banks of the river are much higher, and secure from all floods. We were well received by Taraia, who had heard that I was deputed by the Governor to visit them, and disposed to purchase any of their lands they might feel free to give up.

The old man arose, and vociferated for an hour to his people and visitors, not very sparingly, on the rank his family held; and told his people to be very careful how they parted with their land, and the necessity of demanding a large payment, not omitting to assure them that the whole of the Thames was tapu, or sacred land.

The conversation lasted until after midnight, when the old chief consented for us to proceed up the river to look at the land, assuring us that the Waihou river (the Thames) had always been held sacred, and that no one had dared to profane it by passing his residence to sell land, although attempts had been made by some of the Thames chiefs to introduce Europeans; but all feared the notice of his musket and the keen edge of his hatchet.

Again have we had to labour against disadvantageous reports carefully circulated, and to assure the natives that His Excellency had the interests of the New Zealanders much at heart. After these assurances, Taraia arose and said, such a Governor as described was welcome; his land was waiting to receive him, and his river, which had hitherto been held sacred, was now open to receive him, or any person he might like to send; but he urged that Europeans should be immediately sent to take possession; he did not, he said, want missionaries nor native Europeans, but he wanted gentlemen and soldiers.

A native standing by asked the old man if he would not be afraid to see so many Europeans settled about him. He replied, "If I was a thief or a murderer I might; but as I am

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am neither, why should I fear? Besides, I am now disposed for peace; it would be well to have some soldiers to take care of me.

"Mr. Clarke," said he, "urge the Governor to make haste; tell him my father and grandfather were both treacherously murdered. We never feared any man in battle; we were never cowards; but they fell by treachery, and now that I am giving up war I shall fall the same way, unless I have some soldiers. Tell him I must be allowed to exercise some influence over my own people; if they steal, I must punish them. That is all I have to say to you. Go up my sacred river; go where you like; and let me soon know what the Governor says to my proposals. Remember I am a jealous man, and shall not forget your description of the Governor and his intentions towards us."

Dec. 29.—From four o'clock in the morning until sunset we were pulling up against the stream in fresh water. Landed in different parts of the river to ascertain the character of the country.

The soil is good, sufficiently elevated to be secure from floods; part wooded and part clear, adapted for immediate culture. The water at this season is very low, yet we had about six feet during the day, and by calculation made about 20 miles.

This part of the river is uninfluenced by the tide; we had to pull against the stream, running in most places three miles per hour.

I have scarcely seen a piece of land to-day on which pretty farms might not be made and laid out to great advantage.

The country being partially timbered, farming operations might immediately commence.

Dec. 30th.—At daylight we pursued our course up the river Thames, commencing at the proposed northern boundary for the Government.

The river is here very circuitous, affording by its bends great facilities for fencing off pretty farms, three sides being bounded and fenced by the river.

In a direct line we have not made more than ten miles during the day, having had to pull against a strong stream, carrying a depth of from five to six feet water; the river from 50 to 60 yards wide; banks from eight to twelve feet above the bed of the river, and interspersed with small woods of kahikatea growing down to the water's edge; soil from one to two feet deep at the banks; sub-soil light. No further labour to commence ploughing than burning off the fern. Cultivators would be spared the trouble of clearing off the heavy timber with which the first 30 or 40 miles of the Thames abounds; but it must be confessed the soil is not so good, and in some places barely sufficient timber on the spot for the use of a farm.

Dec. 31st.—Commenced my journey towards the Mata Mata, along the banks of the Thames, at about 10 miles to the southward of which a noted place called Waiharakoke, is the southern boundary proposed for the Government, and which by mutual consent of the Mata Mata and Thames natives also forms their division of their country.

From Waiharakoke to Waitoo, a principal branch of the Piako, is the proposed south line or boundary for Government. There are no cultivations; parties having for years been hostile to each other are afraid to cultivate near the borders.

The proposed Government land is an immense tract of level country, varying in width from eight to ten miles, and in length near 20 miles. The soil is light, varying in quality; upon the banks of the river rich, further removed from the banks of an inferior quality.

There is but very little of this large tract of country but might be cultivated; even the swamps would admit of immediate use at a small expense, and if drained would afford the very best of arable or pasture land.

There is a want of timber in some part of the plain, but the country is so level as to admit of the timber carriage or dray to take it to any part required.

Arrived at Mata Mata towards evening. Mata Mata is about 16 miles from the general landing place for the Thames.

Mata Mata settlement is in the midst of a large forest of kahikatea and rimu, which has been almost destroyed by flies: it is surrounded by an immense swamp, the whole of which seems to me to be capable of easy drainage, thereby rendering it by far the most valuable land on the place. These swamps are highly prized by the natives, on account of the eels with which they abound; and as they have abundance of land besides this, it is an object of interest to keep them, as such parties are not unacquainted with the art of draining; and when the subject is pressed upon them they commonly say, "Shall we destroy our eels, when we have plenty of land besides this?" The outlets to these swamps abound with small native sluices, where they put down their nets and catch abundance of eels after the heavy rains.

I should, in draining these swamps, commence cutting my main ditch from the sluices, into which smaller drains should be carried; and I have no hesitation in saying, that this work would be accomplished at a much less expense than that of clearing the forest, the ditches, with the soil thrown out, forming the inclosures.

The chiefs of Mata Mata received me well, tendering me their best accommodations.

After adjusting my travelling accompaniments, and having had a little refreshment, I was requested to listen, and answer the various reports in circulation respecting the Governor and his intentions, prefacing their remarks by saying they confided in me for a correct statement, and desiring that nothing should be hid from them. They had heard of the state of America, of New South Wales, and of many countries taken possession of by Europeans, and they could not but be jealous of the intentions of the British Government; but very few natives, they said, in this district had signed the treaty, and these few only

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on the good faith of the missionaries; the reason was, they were not, nor would they be slaves.

They had been told by Europeans, who had already manifested a different tone of feeling towards them, that they were gentlemen no longer; that they were prohibited from selling their land, except to the Queen, and that very soon other laws would be in operation which would make them no better than slaves; that this would not be accomplished all at once, but by degrees; that governor would succeed governor, with new regulations, until the object was accomplished: already they were called the slaves of the Queen, and were threatened with imprisonment if they, the Europeans, could not drive a good bargain with them.

After a very long talk (korero) I was asked for my reply. I drew their attention to the general character of the Europeans, who appeared to me to have been their ill-advisers, and to the character of the British Government, which had pledged itself in their representative, the Governor, to secure to them all their rights and privileges, and had placed them upon the same footing, yea, a better one than myself.

If they were slaves, so was I; they by the treaty became British subjects, and entitled as such to all the privileges. They had, on the one hand, the word and assurance of a nation which prided itself on its honour and integrity, and on the other, the word of men whose designs were too evident to admit of a doubt. It was for them to say who deserved the most credit; and as they had appealed to me, I had no hesitation in saying, that I placed the most implicit confidence in the British Government, or they would not have seen me as their protector, endeavouring to correct the errors into which they were likely to be led through misrepresentation; and then appealed to them as to what would have been the consequences had not the Queen sent out a Governor to protect them. They replied that they would have adopted their laws to keep them, the Europeans, right.

I was seconded by my very valuable native, William Hau, who not only corroborated my statement, but added a great deal of his own.

The natives of Mata Mata had heard of the intention of the Governor to pay them a visit, and expressed themselves very desirous of seeing him. As it respects the general peace meeting, they said they had declined that owing to the failure of their crops, they not being able to entertain 3,000 or 4,000 people for a month, which according to native custom they must do. They wished the Governor to understand that they were at peace with the Thames natives; but had no prospect of a peace with the Rotoroa tribe, unless something could be done respecting Maketia, the bone of contention, they were not willing to relinquish their claim to that place. They were apprehensive that the Governor would find the Rotoroa natives, were he to visit them, a very rude tribe.

They had already affected to despise the Government, and had been made acquainted with the history of colonisation, and with the customs and wars of our country with other nations, and from thence justified their wars, requiring that no one would interfere with them.

From Mata Mata I proceeded in a south-east direction for a place called Maungatautau, continuing upon the same plain for about eight miles, when the country became more broken and sterile, presenting vast masses of pumice stone. This character of country is continued to the Horotu or Waikato River, the banks of which are very uninviting and unadapted for agricultural purposes. At one place I observed one vast jamb of sand, not less than 150 feet in depth, from which place this part of the river takes its name.

We crossed the Waikato river about 20 miles from Mata Mata, over a native bridge; the stream rapid, deep, and at this particular place narrow, not navigable so high up on account of the falls, the source of the river, about Taupo. After leaving the banks of the Waikato, we entered a much better description of highland country, which continues improving until you arrive at Maungatautau, a large native residence, where there are several strong native pahs; it is about 20 miles S.S.E. of Mata Mata.

The natives of this place are most of them professed Christians, and from a formidable, warlike people, are now become an industrious, peaceable community; most of them can read and write. Their intercourse with Europeans, from their inland situation, has been but little; they retain, therefore, much of their native simplicity and hospitality, softened and improved by their reception of Christianity. They are dependent on their pigs, which they rear in vast quantities, to supply them with garments, guns, and powder. My natives being very much galled by the heavy journey, and the weather being wet, we stopped at Maungatautau until Monday, when we had an opportunity of learning the general feelings of the people respecting Government. They were not unacquainted with the general reports in circulation, but were less clamorous than many of the natives we had met with; they were not, however, without their misgivings, and were very inquisitive as to the ultimate intentions of the Queen respecting their country. They had hitherto, they said, been guided by the missionaries, and should continue to be so until they had reasons to believe they had been misled by them; then they would consider them as the authors of their misfortunes, and accountable for all consequences.

They inquired after Kihi, the native who is in prison at Russell; some of them were relations. All said his sentence just; a murderer ought not to go unpunished.

Monday, 4th.—I left Maungatautau for Otawoa, a large native settlement near the Waipa, the principal branch of the Waikato, on which a great body of the Waikato natives are living, which place we reached in about 10 hours. The country through which we passed was much better than that on the other side; Maungatautau Otawoa is a large open country, with a rich light soil. A few years ago the whole was covered with timber, prin-

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cipally kahikatea, but through the very injudicious way in which they have destroyed the timber, a famine of that article must in a few years ensue.

Several European traders in pork are stationed about this part of the country. A communication with Kawea and Wangaroa, on the western coast, about two days' journey from hence. Otawoa (and the adjacent country), is capable of supporting a large population, and being generally level, is well adapted for culture with the plough; and having water carriage to the spot, possesses facilities for taking the produce to Waikato; from there it might be transported to Maunkau by way of the Awaroa.

Otawao is about 120 miles from Waikato, 45 miles from Mata Mata, and about 60 miles from the landing place up the Thames.

The natives were anxious to know the object of my visit, and what dependence they ought to place on the reports in circulation. They had heard that his Excellency Sir George Gipps was legislating for them, and asked why were not his regulations translated into native, that they might read and judge for themselves.

Were the English the only people interested in the laws he was making? Was the country his otherwise than by theft? I had said that they were misled by designing men; "Let us see, let us see whether it is so or not," they replied, "we are now a reading people; render Government acts and designs into native fairly, and then we will think for ourselves for the future."

I endeavoured to appease the minds of the natives, who were evidently a good deal excited, and assured them that the Governor had given publicity to his intentions at all public meetings, in the circular, and in the treaty itself, and that one especial object was the protection of the natives. One fellow artfully replied, "Does he (Sir George Gipps) love us more than his own countrymen?" observing that if Europeans' land was to be taken from them, was theirs only to be saved? In their present excited state I found it would be imprudent to say anything to them about purchasing land, but inquired what purchases had been made by Europeans, and learnt that nothing had been sold, save a few hundred acres to a man by the name of Turner, who has been living some years with a native wife on the Waipa.

I inquired how and where they had got their information respecting what was doing on the other side of the water; they told me it was from Europeans and from "Rewa," and that they were advised by him not to sell their land to Government.

After hiring a canoe we pulled from a little below Maungapowri, and spent the greater part of the next day in exploring this part of the country, which we found rich and well calculated for farms to any extent. Natives are living scattered on the banks of the river, cultivating here and there a portion of the rich alluvial soil. On the 6th we continued our course down the Waipa, landing at different places to examine the country and to speak to the natives.

We scarcely took a step that did not delight us; the soil good, the banks of the river high, interspersed with woods of kahikatea. The river is from 50 to 60 yards wide, and about eight feet deep, a gentle stream sweeping us along at about two and a half miles an hour. Here the banks of the river were covered with wild- ducks About fifty miles from Maungapauri we entered the Waikato, at a place called Ngaruwaki, the Waipa being only a branch of the Waikato. From Ngaruwaki the river widens from half a mile to a mile, about 10 miles below which it becomes studded with islands; shoally at places, scarcely admitting a boat over them; the water, however, is exceedingly low just now.

We went on shore for the night at a place called Pukatia, about 25 miles below Ngaruwaki, near which is a lake called Wakari, entered by a narrow stream from the north-east side of the Waikato river, about seven miles long and two wide, and, according to native report, has a subterraneous communication with the Thames. The middle of the lake is salt, and abounds with the salt-water mullet. At Pukitea I had a grand meeting with the natives, who beset me on every side, calling for explanations. A Mr. Marshall had assured them that they and their country were sold to Government; they did not like the treachery of the British Government. If they wished to take their country, why not do it openly, they would then know how to act; but for the paltry consideration of 13 blankets (alluding to a present of 13 blankets sent by his Excellency) had they been betrayed to sell their country. "Mr. Maunsel," said another, "has sold us and our country; Mr. Marshall says so, and he must answer for his conduct." After a great deal of clamour from different parties I was permitted to speak on behalf of Government, and of Mr. Maunsel also.

They had, I said, in their hands the magna charta of the country, securing to them everything which would make them respected. Their land and everything they had was their own, and no one could possess themselves of an inch of it without their consent. England, I said, abhorred slavery, and would treat with them, and act towards them with a scrupulous integrity as free men. I again adverted to the more than probable disaster in which they must have been involved had not the Governor been sent to protect them; and that, as other nations were not unmindful of the country, they themselves being apprehensive of their designs to colonise it, measures far less humane would then have followed in the train of their colonisation, and resistance to them would have ensured their destruction. "No," they replied, "a New Zealander glories in dying fighting, and if the French (for they were alluding to them) had only honestly avowed their intentions, though we in the end might be overpowered, yet we would rather die fighting than be made slaves, or suffer our country to be taken from us: we fear nothing so much as treachery and slavery."

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I assured them that ultimately they would not have to regret the establishment of a humane government amongst them, and begged that they would suspend their judgment and avoid harsh expressions, until circumstances arose to justify them; and even then, whatever the grievance, or supposed grievance, might be, to present them unaccompanied with that temper and clamour with which our present conversation was conducted. William Hau again made his remarks, telling them that they had not seen so much of the Governor as he had; and for want of better knowing him they made their several remarks. They had known the missionaries some years; they had not yet disappointed them. Mr. Maunsel had never intended the blankets otherwise than as presents to the chiefs; at any rate sit quietly until you see your land taken, and your fathers and your children killed, then you will have cause for complaint. With this we hardly quieted the natives, who, although so late, wanted to have more 'kororo.'

We left Pakelia soon after sunrise, pulling down the river, assisted by the stream, at the rate of four miles an hour. This part of the river is beautifully studded with islands, most of which are heavily timbered, and several of them large. They were, however, low, and must be under water in heavy floods.

In about eight hours we reached the Rev. R. Maunsell's, one of the church mission stations, where we spent the following day.

The Waikato district is very extensive, not less than 130 miles from the mouth of the river to the upper part of Waipa, to which place it is navigable for boats and canoes. The water is perfectly fresh to within eight or ten miles of the Heads, and but slightly influenced by tide, more than 20 miles up; not more than six feet water on the bar at low water; a miserable entrance, and at all times hazardous, and a number of shoals in the river. Small craft drawing from five to six feet water, by keeping the channel, may go 100 miles up the river; a large proportion of the country is good; the first 40 miles well wooded, but low; the upper part is also well supplied with wood, and well adapted for farming establishments to almost any extent.

From Waikato to Maunkou, where the news reached us of a massacre having taken place in the Bay of Islands.

The Rev. H. Williams, C. M. S., the military, and others, had fallen victims. It was represented that an attack was also contemplated upon Auckland; the place was being fortified, and all were in an attitude of defence. The whole tale seemed so very improbable that myself and natives that were with me did not hesitate pronouncing the whole a fabrication, and when we reached Maunkan, a church mission station, we found that though such a report had been carefully circulated by two Europeans from Wakeko, and considerable alarm given thereby at Auckland, that it was altogether without foundation, and was eventually contradicted by the arrival of a small schooner from the Bay of Islands. The following day I met Davis, and other chiefs, who carefully detailed all the consternation, with the formidable preparations they were making at Auckland, the narrow escape of the Government horses, and Captain Symond's boat, and boat's crew, from the military and armed mechanics, the mighty parade of officers, the watchword of sentinels, and above all the ludicrous appearance of Pa Kaiko (Cask Fort.) I could scarcely refrain from laughing at the native recital, and at the gravity of some of the chiefs, who with me were listeners, and was seriously told by them that the preparations that were making to quarrel with them ought not to be so lightly treated; that I ought to ask the Governor if he really wished to quarrel with them; they were apprehensive he was seeking some pretext. They would not, they said, begin the quarrel; but what were they to do when they saw their countrymen fall. They were more jealous than ever that some evil was lurking behind for them. The Governor was evidently losing confidence, so were they, for they had heard it was contemplated to stop the sale of guns and powder. "If this is a fact, what do you think must be our thoughts upon the matter? Does the Governor wish us to be friendly? Tell him, then, never to make such a negotiation as to stop the sale of guns and powder."

I replied that I had no doubt but that the Governor was as unacquainted with the whole of the grave matter at Auckland as I was. Again, I assured them he had always shown a friendly feeling towards them, and would continue so to do while they conducted themselves friendly to him. I had never myself seen such a notice as they named, namely, that the Europeans were not to sell guns and powder, and that I did not think there was such a thing in existence. I advised them to be more temperate in their expressions, and to conduct themselves with propriety, and they had nothing to apprehend.

I returned to Auckland after an absence of a month from thence; visited Kabukott at Wahike, who said he could not sell the land about Ramaki until he had consulted with some of his friends on the other side of the Thames, and that he intended making a reserve there of land for himself.

I left Auckland to return to the Bay of Islands on the 21st January, arrived on the 26th.

Remarks.

From the outlines of my visit his Excellency will at once perceive the necessity of approved officers being stationed so as to visit the natives, to correct evil disseminations and misapprehensions arising therefrom; it is of the greatest importance that such officers should be of strictly moral habits, acquainted with the native language, and deeply interested in the social and moral welfare of the natives. They must also have the confidence of the natives as well as of the government. The New Zealanders are jealous of their liberty, as well as of their lands; they see them intimately connected, and they are carefully watching and comparing every public act, deducing from thence positive conclusions as to the line of

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conduct that will be pursued towards themselves. They cannot comprehend how that measures so healing and lenient can be shown to them as towards Englishmen.

The tone of feeling manifested towards them by Englishmen, since the establishment of government, has not escaped their notice; they are continually threatened with complaints, and assured that coercive measures will follow these complaints; from thence and from the ill usage, several very serious quarrels would have taken place, but for kind interference of influential Europeans; and here I would suggest that Europeans should be cautioned, not only to withhold their threat, but from presuming for protection from government, while they continue the provoking first transgressors.

It will not escape his Excellency's notice, that incorrect (probably intentionally so) statements of government notices, Acts of Legislative Council, remarks in newspapers, respecting the country, have given rise to much of the present angry feeling and opposition apparent amongst the natives.

They cannot imagine why the government should keep them ignorant of their acts, and cannot but view those as friends who communicate them. They have repeatedly required that publicity should be given to everything done in which they are so deeply interested. It is impossible to keep them ignorant of the passing events of the day, and it would be much safer to pass them through the hands of government than in the garbled state they must meet their ears, from people not only very partially acquainted with the language, but in many cases inimical to the government. The rapid advancement the natives are making in civilization, will appear not only from the extent of their cultivations, but from the fact, that there was scarce a village through which we passed that had not its village school and chapel; and in every place the sanctity of the Sabbath strictly observed. There is a thirst for reading, and continued applications for books. In the Thames and Wackald there are several thousand natives who can and are being taught to read and write. Great crimes are rarely heard of, but from among those who tenaciously adhere to their native and heathen prejudices. Wars have generally ceased, and cannibalism is spoken of with abhorrence. The very intelligent remarks that are continually made, show them to be a people far removed from that barbarism which interested and designing men have represented them to be in, and in which it might be convenient to place them. Their sober, orderly, respectful, and faithful habits too plainly show that there is more excellence in them than there is to be found in the bulk of our own countrymen. I would not here be understood to be invidious; my object is to correct a prevailing error arising from ignorance of the language and customs of the natives in this remark, and to prevent a growing disgust in my countrymen to the aborigines of this country, who are capable of high moral and intellectual attainments. The apprehensions of the natives as to the future are too apparent from every communication and converse held with them.

One rash, injudicious step, and the whole country is involved in trouble and ruin; conciliatory measures, such as have happily marked the first year of his Excellency's government, and a lasting friendship ensues, and a most valuable part of the community secured, not only from ruin but to the British Government: and though it cannot be hid from his Excellency that the seeds of discord have and are being sown among the natives, yet it is a real pleasure to reflect that they have their best antidote in the peaceable lives of their Christian instructors, in the practical lessons they are daily inculcating, and above all in the high, honourable, and humane principles on which Her Majesty's Government has commenced, and purposes continuing the colonization of New Zealand.

The Colonial Secretary, &c. &c. &c.
New Zealand.

(signed) *George Clarke*, P.A.

No. 19.
Sir Geo. Gipps to Lord John Russell, 28 March 1841.

— No. 19. —

(No. 82.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
28 March 1841.

My Lord,

I HAD the honour to receive yesterday, by the ordinary post, your Lordship's despatch of the 21st November 1840, No. 174, directing me to defer, until I receive further orders, the execution of any powers which I may have derived under the Act of Council, passed in this colony in July last, for the investigation of claims to grants of land in New Zealand.

For Lord John Russell's Despatch, 21 Nov. 1840, No. 174, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 20.

The extent to which I have already acted, in pursuance of the powers vested in me by that Act, have been reported to your Lordship in the despatches marked in the margin.

No. 152, 9 Oct. 1840.
No. 175, 5 Nov. 1840.

The Commissioners are now employed in New Zealand in the investigation of claims, but I have not yet received any reports from them; and I beg to state, that it never was my intention to confirm any of their reports, or execute any deed for land in New Zealand, until the Act of Council referred to should have been confirmed by Her Majesty's approval.

I also beg to inform your Lordship that the Commissioners have not been authorized

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authorized in any way to interfere with the New Zealand Land Company, or with settlers claiming under them.

My own measures in regard to the Company were reported in the despatches marked and dated as follow: No. 130, 12th Sept. 1840; No. 147, 6th Oct. 1840; No. 172, 29th Oct. 1840; No. 27, 29th Jan. 1841.

I have, &c.
(signed) *Geo. Gipps.*

For Sir G. Gipps's Despatch, No. 130 and 147, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, pp. 79 and 122. For No. 172 and 27, *vide* pp. 71 and 78 of this volume.

— No. 20. —

No. 20. Sir Geo. Gipps to Lord John Russell, 28 March 1841.

(Separate, No. 2.)

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,
28 March 1841.

10 Feb. 1841.

I TRANSMIT herewith copies of documents, tending to show the intemperate haste with which the Company's settlers at Port Nicholson are ready to assail the government of Captain Hobson.

By these papers your Lordship will perceive that the company's settlers, though they have themselves obtained the whole of their own projected town, at the rate of 1*l.* per acre, call in question the integrity of an arrangement, by which about half-a-dozen officers of government have been allowed to take each an allotment in the projected town of Auckland, at a rate which cannot possibly be less than 80 *l.* per acre.

The complainants appear not to have been aware that the arrangement in question was sanctioned by myself.

The rate at which the officers are to pay for their allotments is the average obtained at auction for lots in their immediate vicinity, and in authorizing the arrangements, I expressly declared, that if a selection were made by any officer of an allotment of more than ordinary value, I would not confirm to him the possession of it.

Enclosure in No. 20.

Encl. in No. 20.

His Excellency Sir *George Gipps*, &c. &c. &c.

Wellington, Port Nicholson, New Zealand,
10 February 1841.

May it please your Excellency,

WE, the undersigned, settlers in New Zealand, and intending purchasers of town lands in the township of Auckland, in New Zealand, beg to call the attention of your Excellency to certain proceedings connected with the proposed disposal of land in that township, deeply affecting our interests as well as those of the public.

By the government advertisement for the sale of town lands at Auckland, it was stated that sections Nos. 3, 4. 7, 8. 16, 17. would be exposed to sale by auction; but we have since learned that several allotments, comprising some of the most valuable lands in the township, have been reserved from such sale, and appropriated for the benefit of the subordinate officers of the colonial government, and that these sections are to be paid for, not according to the price which even some of the less valuable lots in their vicinity might command, but at the average price of half the town sections, and that a credit is to be allowed for the payment of the purchase-money until the sale of half the town.

We need not, in addressing your Excellency, dwell upon the injustice of such an arrangement, the loss to the public revenue, the wrong done to *bonâ fide* purchasers, and the injury to the character of the government by which such measures have been proposed or sanctioned; but we may venture to say, that such a proceeding is not less opposed to the instructions of Her Majesty for the disposal of the Crown lands, than unprecedented in the history of neighbouring colonies. We could at first scarcely believe that such a proceeding could be contemplated, since we are assured that there is no one ground, either of policy or justice, upon which it can be defended.

We, however, rely with confidence upon the known character of your Excellency to free the government from the odium, and ourselves from the injustice, of such a measure, by instituting immediate inquiry into the subject, and by suspending the sale until such arrangements may have been made as will secure to the public the great benefit of open competition with regard to all the lands in that township.

We have, &c.
(signed) *Ridgways, Guyton, & Earp,*
And 25 other gentlemen.

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(41/62.)

Colonial Secretary's Office, Sydney,
22 March 1841.

Gentlemen,

I AM directed by his Excellency the Governor to acknowledge to you the receipt of a letter dated the 10th February, and signed by a number of the settlers at Port Nicholson, your names being the first in the order of signatures; and I am to express to you that his Excellency has not received without surprise a communication in which charges are conveyed against his government of injustice to intending purchasers of allotments in the town of Auckland, and of a departure from the instructions of Her Majesty's Government in respect to the disposal of Crown lands. His Excellency conceives that the communication which he has received must have been written in entire ignorance of the circumstances under which he was induced to grant to some of the public officers of New Zealand authority to select (not for any purpose of speculation, but for their necessary accommodation,) a few allotments in the township or vicinity of Auckland, on payment of a full and fair price for them. A copy of the letter, therefore, which was addressed by his Excellency to Lieutenant-governor Hobson on this subject is transmitted to you.

3 Sept. 1840.

His Excellency, in conclusion, desires me to remark, that under the arrangement sanctioned by his Excellency, the lowest price at which allotments of average value could by possibility be obtained by any public officer in the town of Auckland, would be 80 *l.* per acre, whilst there is every reason to suppose that amongst the persons who have signed the communication from Port Nicholson, there must be some, if not many, who have obtained from his Excellency allotments, and even some of the best in the town of Wellington, at the rate of 20 *s.* per acre.

I have, &c.
(signed) *E. Deas Thomson.*

Messrs. Ridgways, Guyton, & Earp,
Port Nicholson, New Zealand.

— No. 21. —

No. 21.
Governor Hobson to the Secretary of State for the Colonies,
26 May 1841.

(No. 41/1.)

COPY of a DESPATCH from Governor *Hobson* to the Secretary of State for the Colonies.

New Zealand Government House, Auckland,
New Ulster, 26 May 1841.

My Lord,

No. 1.
9 Dec. 1840.

I DO myself the honour to acknowledge the receipt of your Lordship's despatch, numbered and dated as in the margin, transmitting to me a charter or letters patent under the Great Seal of the United Kingdom, providing for the future administration of the government of New Zealand, together with a commission under the Great Seal, by which Her Majesty has been most graciously pleased to appoint me to be the first governor of New Zealand.

For Lord J. Russell's Despatch, 9 Dec. 1840, No. 1, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 24.

For this mark of my Sovereign's high consideration, I do myself the honour most respectfully to tender, through your Lordship, my sincere thanks.

5 Dec. 1840.

By the same opportunity I had the honour to receive instructions under the Royal Signet and Sign Manual, together with a schedule of the future civil establishment of New Zealand, embracing a list of the principal offices of my government, with the salaries to be attached to those offices; and a copy of a circular addressed to the Right Hon. C. Poulett Thomson, relative to the tenure on which public offices in the gift of the Crown are held in the colonies, to all of which the strictest attention shall be paid.

I have, &c.
(signed) *W. Hobson,* Governor.

— No. 22. —

No. 22.
Governor Hobson to the Secretary of of State for the Colonies,
26 May 1841.

(No. 41/4.)

COPY of a DESPATCH from Governor *Hobson* to the Secretary of State for the Colonies.

New Zealand Government House, Auckland,
New Ulster, 26 May 1841.

My Lord,

16 Nov. 1840.

I HAVE the honour to inform your Lordship, that on the 3d instant the charter or letters patent providing for the future administration of the government of this colony, was publicly read and proclaimed, with all due solemnity, in the presence of the civil and military officers of this government and a large concourse of Europeans and New Zealanders.

At

24 Nov. 1840.

At the same time, Her Majesty's Commission appointing me first Governor and Commander-in-chief was also read and proclaimed, and, after receiving the accustomed oaths of office, I assumed the government of this colony, and caused the necessary oaths to be administered to the members of the Executive Council, and to all civil officers then present.

2.

I herewith transmit for your Lordship's information copies of two proclamations which I deemed it necessary to publish on my assuming the government of the colony; the former announcing the separation of these islands from New South Wales, together with the names of the three principal islands; the latter notifying the appointment of the Executive and Legislative Councils.

I have, &c.

(signed) *W. Hobson.*

Encl. in No. 22.

Enclosure in No. 22.

PROCLAMATION by his Excellency Captain *Hobson*, Governor and Commander-in-chief in and over the Colony of New Zealand and its Dependencies, &c. &c. &c.

WHEREAS Her Majesty has been graciously pleased by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 16th day of November, in the year of our Lord 1840, to constitute and appoint me, William Hobson, Esq., captain in Her Majesty's Royal Navy, to be Governor and Commander-in-chief in and over Her Majesty's colony of New Zealand and its dependencies:

Now, therefore, I, the Governor and Commander-in-chief aforesaid, do hereby proclaim and declare that I have this day taken the prescribed oaths, and assumed the administration of the government accordingly.

And I do hereby further proclaim and declare that Her Majesty has been pleased to appoint an Executive Council for the said colony, and to nominate and appoint the undermentioned persons to be members thereof; that is to say, the Colonial Secretary of the said colony for the time being, the Attorney-General of the said colony for the time being, and the Colonial Treasurer of the said colony for the time being.

And I do hereby proclaim and declare that Her Majesty has been further pleased to appoint a Legislative Council for the said colony of New Zealand and its dependencies, and to appoint and direct that such Legislative Council shall be formed and shall consist of the following members: His Excellency the Governor for the time being, the Colonial Secretary for the time being, the Attorney-General for the time being, the Colonial Treasurer for the time being, and the three senior Justices of the Peace, nominated as such in any commission of the peace to be issued by me the said Governor and Commander-in-chief, or by the Governor or acting Governor for the time being.

The Governor, fully impressed with the magnitude and importance of the duties thus confided to him, is supported by the hope that Almighty God will bless his best efforts to give full effect to these Her Majesty's most gracious measures for the establishment of peace and order in this important colony; and he relies with confidence on the loyalty of the colonists, and on the hearty co-operation with the government in cultivating those feelings of mutual good-will which alone can insure to them the future benefit of Her Majesty's solicitude for their welfare and prosperity.

The Governor avails himself of this occasion to appeal to the good feelings of the colonists generally in favour of their fellow-subjects of the native race, who require only instruction and good example to become equal to Europeans in moral, as they already are in physical attainments, and to point out to all who really have the true interests of the country at heart, the propriety of conciliating their affection by making every charitable allowance for their defects, and by conducting all intercourse with them in a spirit of justice and forbearance.

The Governor trusts that he will be afforded the satisfaction of hereafter knowing that his endeavours for the accomplishment of Her Majesty's gracious and benign views have not been employed in vain.

Given under my hand and seal at Government House, Auckland, this 3d day of May, in the 4th year of Her Majesty's reign, and in the year of Our Lord 1841.

(signed) *William Hobson*, Governor.

By His Excellency's command,

(signed) *Willoughby Shortland.*

PROCLAMATION by his Excellency Captain William *Hobson*, Governor and Commander-in-chief in and over the Colony of New Zealand and its Dependencies.

WHEREAS Her Majesty has been pleased, by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 16th day of November, in the year of our Lord 1840, to erect the islands of New Zealand into a separate territory, by the name of Her Majesty's Colony of New Zealand: Now, therefore, I, the Governor and

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and Commander-in-chief, by commission under the Great Seal appointed, do hereby notify and proclaim, that under Her Majesty's said Letters Patent, the islands of New Zealand are henceforth to be designated and known as Her Majesty's colony of New Zealand and its dependencies. And I do hereby further notify and proclaim that Her Majesty has been pleased to direct that the three principal islands of New Zealand, heretofore known or commonly called the Northern Island, the Middle Island, and Steward's Island, shall henceforward be designated and known respectively as New Ulster, New Munster, and New Leinster, of which all Her Majesty's subjects are hereby required to take notice.

Given under my hand and seal at Government House, Auckland, this 3d day of May, in the fourth year of Her Majesty's reign, and in the year of our Lord 1841.

(signed) *William Hobson*, Governor.

By His Excellency's command,
(signed) *Willoughby Shortland.*

No. 23.
Lord Stanley to Governor Hobson, 20 January 1842.

— No. 23. —

(No. 13.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 20 January 1842.

I HAVE received your despatch of the 26th of May last, transmitting copies of two proclamations, which you published on assuming the administration of the government of New Zealand, the one announcing the separation of that colony from New South Wales, the other notifying the appointment of the Executive and Legislative Council.

I have to convey to you my approval of those proclamations.

I am, &c.

(signed) *Stanley.*

No. 24.
Governor Hobson to Lord John Russell, 26 May 1841.

— No. 24. —

(No. 41/5.)

COPY of a DESPATCH from Governor *Hobson* to Lord *John Russell*.

New Zealand Government House, Auckland,
My Lord, New Ulster, 26 May 1841.

I HAVE the honour to acquaint your Lordship, that, in pursuance of the directions contained in Her Majesty's Royal instructions, the several gentlemen mentioned at foot, have been appointed provisionally to the offices affixed to their respective names, until the further pleasure of Her Majesty shall be received.

Willoughby Shortland, esq., Colonial Secretary.
Francis Fisher, esq., Attorney-general.
George Cooper, esq., Treasurer.
George Cooper, esq., Collector of Customs.
James Coates, esq., Clerk of Councils.
James Coates, esq., Sheriff.
Felton Mathew, esq., Surveyor-general.
John Johnson, esq., Colonial Surgeon.
David Rough, esq., Harbour-master.
George Clarke, esq., Chief Protector of Aborigines.
Henry Tucker, esq., Storekeeper.
Edmund Lee Godfrey, esq. } Commissioners.
Matthew Richmond, esq. }

I have, &c.

(signed) *W. Hobson*, Governor.

— No. 25. —

(No. 41/6.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 25.
Governor Hobson to the Principal Secretary of State for the Colonies, 24 May 1841.

Government House, Auckland, New Ulster,
24 May 1841.

My Lord,

HEREWITH I do myself the honour to transmit for your Lordship's consideration copies of congratulatory addresses, presented to me on my appointment as governor, from the inhabitants of Auckland and Kororarika, and from the magistrates of Port Nicholson, together with copies of my several replies thereto.

6.

I have, &c.
(signed) *W. Hobson,* Governor.

Enclosure in No. 25.

Encl. in No. 25.

To his Excellency Captain *Hobson,* R.N., Governor-in-chief of New Zealand.

May it please your Excellency, Kororarika, 15 April 1841.

WE, the undersigned inhabitants of Kororarika, in the Bay of Islands, beg leave most respectfully, through our representatives, on the present gratifying occasion, to congratulate your Excellency on your recent appointment to the Governorship-in chief of New Zealand. In connexion with this appointment, we are also happy to perceive that the wisdom and goodness of Her Most Gracious Majesty have decreed that henceforth New Zealand is a distinct and separate colony, and consequently perfectly independent of New South Wales. The colonists universally cannot feel too grateful for this prompt attention to their interests. In this we behold a bright era of prosperity opening up to our view; nothing could tend more to encourage and facilitate that which in the formation of colonies stands pre-eminent in importance, emigration.

We are now full of hope, and most earnestly do we trust that the boon which has just been conferred upon us may, by a liberal and enlarged system of government, become a great and lasting blessing.

Your Excellency being now happily delivered from the control of any other governor, and having the supreme authority over these islands vested in your own hands, we look forward with the utmost anxiety for the development and execution of such measures by your Excellency's government as will secure to New Zealand advancement, prosperity, happiness and peace.

We doubt not your Excellency will pardon our solicitude on this head, seeing that it involves in a great measure our future prosperity or decay.

With your Excellency's permission, we would look up to you as our parent, and while your Excellency may be assured of our affection and fidelity, we would most devoutly hope that your Excellency will extend to us that fostering and cherishing hand, which it is the duty of a parent to bestow upon his offspring.

We regret exceedingly, owing to the land sale, the absence of many of our townsmen that the present address is not so numerously signed as it certainly would have been had they been present. We rest satisfied, however, in the conviction, that the same desire for your Excellency's success and for the prosperity of this colony which has prompted us to address you, will, ere this reaches you, have manifested itself on the part of those inhabitants of Kororarika who are now at Auckland.

In conclusion, we beg to tender to your Excellency our ardent wishes that you may long, very long exercise over us an enlightened and successful sway; and we have to request that your Excellency will be pleased to convey to your amiable lady and delightful family our heartfelt and sincere regards for their welfare and happiness.

We have, &c.

(signed)	Henry Thomson.	J. O'Neille.	Benjamin Innes.
	A. Kennedy.	J. Chaplin.	T. H. Bartley.
	T. Bateman.	G. J. Cook & Co.	Jas. Obeiline.
	E. Lucette.	G. Hull.	Robert Runoms.
	C. B. Bremer.	Martin M'Dennott.	John Smith.
	David Scott.	H. W. Dudley.	B. M'Kenzie.
	William Jeffery.	G. Russel.	R. S. Buckhan.
	D. M. Graham.	D. Raymond.	Thos. Dunn.
	R. J. Leitch.	W. P. Pickering.	George Hemmings.
	John Weavell.	J. A. Duvachelle.	Thomas Weston.
	J. Spain.	E. Cafler	J. G. Steady.
	Wm. Clunie.	E. Michael, Capt. F.	H. C. Holman.
	E. M'Clennan.	E. Waterton.	William Watson.
	E. Lethard.	John M'Carthey.	J. Hobson.
	A. Black.	John Hoggard.	D. Scott.
	Hugh M'Lean.	William Davies, M.D.	

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Absentees at Auckland:

F. Whittaker.	P. Donavan.	J. N. Shepherd.
J. J. Montefiore.	P. Grealy.	Wm. Lord.
J. Kelly.	R. White.	Jos. Brown.
D. Pollen.	George Clayton.	Wm. Field.
G. F. Robinson.	Thos. Watson.	B. Fear.
W. Turner.	B. M. Warner.	T. Elrige.
E. Tinel.	A. J. Ellis.	A. Dingwall.
J. Dilworth.	J. Hogarth.	J. Guemar.
M. Brown.	G. Bankes.	J. A Wood.
J. Joseph.	J. Woods.	J. Russell.
Robert Todd.		

To the Deputation from the Inhabitants of the Township of *Kororarika*, New Zealand.

Government House, Auckland,
22 April 1841.

Gentlemen,

I RECEIVE with grateful acknowledgments the very complimentary address of the inhabitants of Kororarika, which, as you predicted, has been most cordially supported by the kind congratulations of your fellow-townsmen who are now assembled here.

Although I am not yet officially informed of the change that is contemplated by Her Majesty in the construction of this Government, still I rely with confidence on the published statement that New Zealand is now separated from New South Wales, and that Her Majesty has been graciously pleased to honour me with the appointment of Governor, as those measures fully accord with the first intentions of Her Majesty's Ministers, when the force of circumstances dictated the temporary expedient of annexing to New South Wales as a dependency "whatever territory may be acquired in sovereignty in New Zealand."

Without official knowledge of those events, and of the instructions that we may presume have been issued by Her Majesty's Government, it is impossible to enlarge on the several subjects contained in the address; but this I solemnly assure you, that whatever power may be entrusted to me by Her Majesty, shall be exercised to the best of my humble abilities for your benefit, in common with every subject of Her Majesty in New Zealand.

Gentlemen, I should but imperfectly respond to your kind address were I to omit expressing my sincere thanks for the handsome manner in which Mrs. Hobson and my family have been mentioned, and to assure you that she most highly appreciates the kind feeling evinced towards her and my young family by the inhabitants of Kororarika.

(signed) *W. Hobson.*

To his Excellency *William Hobson*, Esq. Captain R.N. Governor and Commander-in-Chief of New Zealand.

May it please your Excellency,

WE, the undersigned, magistrates, civil and military officers, and other inhabitants of the town of Auckland and colony of New Zealand, embrace the earliest opportunity of tendering to your Excellency our warmest congratulations on the accession of rank and power which your Excellency has attained, by the formation of these islands into a distinct and independent government.

As the connexion of New Zealand with any other colony might operate disadvantageously on its present interests and future prospects, we therefore hail with the liveliest satisfaction an event, which while it has the effect of strengthening your Excellency's power, confirming your authority, and increasing your means of advancing the best interests of the community, affords the strongest hope that it will ere long assume that rank among the rising nations of the southern hemisphere which its geographical position and fertile soil entitle us to expect.

Convinced as we are that the establishment of British sovereignty in these islands has been mainly accomplished by your forethought, energy, firmness, and talent, we venture to hope that the hearty congratulations and fervent good wishes of the early colonists by whom you are surrounded will not be unacceptable to your Excellency.

Wishing that your Excellency may long live to enjoy the satisfaction to be derived from beholding an honest, industrious, and thriving population increasing in this colony, and

and that every personal happiness and comfort may attend your Excellency and your family,

We have, &c.

(signed)

Willoughby Shortland.	William Kendal.	Duncan Hepburn.
J. Coates, J.P.	H. D. Smart, J.P.	A. S. Ellis.
Chas. B. Brewer.	Francis Wetter.	J. Logan Campbell.
Felton Mathew, J.P.	William Lord.	Wm. Brown.
Francis Fisher, J.P.	Charles Goodwin.	C. T. Stone.
Edward L. Godfrey, J.P.	Joseph Edmond.	J. A. Langford.
Mathew Richmond, J.P.	W. Cruickshank.	William Hobson.
G. F. Dawson, P.M.	Henry Morris.	James Williamson.
John Johnson, J.P.	Charles Cowley.	Thomas Crummer.
Edwd. B. Halswell, J.P.	John Gildsworthy.	Thos. Cooper.
Jas. Stuart Freeman.	James Murray.	Henry Shortfield.
S. E. Grimstone.	Henry Tucker.	William Gordon.
Thomas Paton.	Thomas Wright.	Charles Seal.
Charles Chappell.	Henry Robinson.	Archibald Scott.
Wm. P. Pickering.	Charles Terry.	Wilson Kirkland.
Israel Joseph.	James Preece.	A. de Philipsthal.
John Moore.	William Trevarthen.	Charles Logie.
David Rough.	James Scott.	G. Lancaster.
W. Mason.	John O'Brien.	Charles Moore.
D. E. Elliot.	Joseph Byrne.	James Grimley.
John F. Churton, LL.B.	H. Crompton Booth.	Arthur Turtley.
Wm. Wilson.	F. J. Mullens.	Dennis Heather.
Jermyn J. Symonds.	Michael Ryan.	E. Constable.
Geo. Cooper.	John Reyner.	Norton Butler.
Geo. M. Mitford.	Alexander Hepburn.	S. A. Wood.
William Young.	James Kute.	John Robertson.
Richard England.	Uriah Samiels.	George Nicols.
H. R. Cretnay.	J. O. B. Croker.	J. O'Neill.
Wm. Dunning.	John A. Brown.	Thos. Kennard.
H. P. Warner.	Walter Combes.	Richard Allen.
Thos. Keney.	John Davis.	Francis Whitaker.
R. Snow, Lieut. R.N.	John Oakes.	Aymer de Valence.
James Watson.	Thomas Brightwell.	Gilbert Mair.
J. Seymour.	John Black.	Robert Field.
W. H. Corbett.	Charles O. Peile.	John Yandall.
John Lowney.	William Gumble.	James Russell.
John Guilding.	John M'Quoid.	John Gibling.
Henry Scullen.	L. Allan M'Caskill.	John Gotty.
Joseph Newman.	William M. Garvie.	James George.
D. Lockwood.	Thos. Russell.	Benson I. Isaacs.
W. Leech.	Thos. Smith.	Michael Abrahams.
W. R. Lester.	James Dawson.	Samuel Marks.
John Campbell.	W. P. Curtois.	Samuel Brown.
C. H. M'Intosh.	Wm. Harkins.	John Brander.
John P. Du Montin.	Thos. Hellyer.	Robert Mackay.
James Bryden.	Robert Hammersly.	John Peter Oakes.
John C. Haile.	James Webster.	E. Murray.
George M'Elwaine.	Charles Jennings.	John Halls.
Richard Moore.	J. S. Howell.	James Smith.
Wm. Grant.	William Hankivall.	Wm. A. Falwasser.
John M'Lachlin.	John Smith.	Henry Didsbury.
Andrew O'Brien.	John Cunningham.	William Williams.
Thomas Lang.		

Reply, No. 2.

Gentlemen,

It affords me heartfelt satisfaction to receive from a community deeply interested in the welfare of this infant colony an address so pregnant with patriotic principles, and so very flattering to my feelings.

I sincerely thank you, gentlemen, for this mark of your esteem and confidence, and for your congratulations on the honour conferred on me by Her Majesty in advancing me to the rank of Governor and Commander-in-Chief of this colony.

Gentlemen,—No man more highly appreciates a mark of his Sovereign's power than I do, but I feel that rank and authority is only conferred on me as a means to accomplish a great object, an object which embraces the future welfare and prosperity of this colony, and one which is only attainable by the joint efforts of every branch of the Government, aided and supported by the patriotism and loyalty of the people. I might indeed hesitate

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to undertake this onerous charge, were I not confident of the support of zealous and intelligent advisers, of an enlightened magistracy, and the co-operation of all classes of Her Majesty's subjects, by whose means I do hope to complete those beneficent measures which Her Majesty has, by her Royal charter, graciously commenced in this colony.

Gentlemen,—In thus separating from New South Wales, it is only a mark of common justice and gratitude to acknowledge the substantial benefits we have derived from our short connexion with its Government, to whose fostering care we are indebted for laws and institutions, which have already caused a progressive improvement in this colony.

We have been supported by its funds and instructed by its practice, and I am sure you will join me in wishing prosperity to New South Wales, and in grateful acknowledgement to Sir George Gipps, and every member of its Government, for their attention to our interests.

Gentlemen,—I again offer you my cordial thanks on behalf of myself and family for the honour you have done me in presenting this address.

(signed) *W. Hobson.*

To His Excellency Captain *Hobson*, R.N., Governor and Commander-in-Chief of the Islands of New Zealand.

WE, the undersigned, holding the office of magistrates in New Zealand, avail ourselves of the present opportunity of offering our congratulations to your Excellency upon the independent position in which the colony entrusted to your government is now placed; and at the same time we take the liberty of offering some suggestions with regard to the future government of this colony, which appear to us of the utmost importance.

We have long deeply regretted that any circumstances should have arisen tending to disturb those amicable relations between your Excellency and the settlers at Port Nicholson, which, for the interests of the colony and the honour of the Crown, it is most desirable to maintain; and we rejoice at the intelligence recently received from England, because it appears to afford the means of establishing these relations upon a firm basis, and of enabling your Excellency to rally round your government the entire British population of these islands. We are most anxious that any misconception that may have arisen as to the feelings or intentions of your Excellency should be removed, and that the Government and the colonists should combine to give the utmost development to the vast natural resources of the colony. We are willing to believe, that whatever difference of opinion may exist as to the means by which this result is to be attained, there is on the part of your Excellency a sincere desire to advance the general interests of the colony, and that no sacrifice on your part will be deemed too great, if it be found necessary for that purpose.

We do not presume to question the eligibility of the spot selected by your Excellency for the seat of government in reference to the objects for which it was originally chosen. If no settlement of British subjects had been established in New Zealand, it is possible that the town of Auckland might have advantageously formed the capital of the country, and the centre from which colonization should spread. We, however, venture to submit, that the actual circumstances of the colony must neutralize to a very great extent whatever advantages may belong to that position, and must render the establishment of the seat of government there inconvenient to the Governor and injurious to the vast majority of those whose interests it is the duty, and we are assured no less the desire, of your Excellency to protect. The most weighty and numerous functions of government will in such case be exercised in ignorance of the state of three-fourths of the British population of the islands; and while the proceedings both of the legislative and executive will often be seriously impeded by this circumstance, it cannot but happen that the interests of the settlers in this district must suffer deeply from the same cause.

The recent negotiations in England between Her Majesty's Principal Secretary of State for the Colonies and the Directors of the New Zealand Company, have placed the settlers at Port Nicholson in an entirely different position from that which they formerly occupied. They are no longer an assemblage of individuals irregularly establishing themselves in a foreign country, beyond the protection or control of Great Britain; nor are they squatters upon Government land, liable to be dispossessed of their property, and having no claim to recognition by Government. They form at the present moment a recognised community at least six times more numerous than any other in New Zealand, holding their lands under a title from the Crown, having contributed largely to the public revenue, and above all, forming the nucleus of the only extensive and systematic scheme for covering with an active and industrious population the fertile wastes of the island. The arrangements of the New Zealand Company are so far matured, that within the course of the next 12 months at least 5,000 additional settlers will be landed at Port Nicholson, while it is not too much to assert that within the same period not one-tenth of that number will immigrate either from Great Britain or from the neighbouring colonies to any other port. In every particular, therefore, they are entitled to expect from Government a consideration proportioned to their numbers. Especially are they entitled to expect that the local legislature shall be established in that part of the island where the greatest interests are at stake, and that the members of that legislature who are not officers of the Crown should be selected from their body. It would be invidious, and could hardly fail to result in injustice, if the concerns of a community

nity of 8,000 persons should be subject to the control of individuals selected from a population of less than 300, ignorant of their wants, and having different and perhaps opposite interests.

The present position of the settlers at Port Nicholson is changed, moreover, in another, most important respect. A very few months since it appeared as though all communication between that harbour and the fertile districts of the west coast must take place by water; the hills surrounding the port were regarded as impassable barriers, over which no practicable road could be carried; and thus it was assumed that Port Nicholson, whatever its other advantages, was ill adapted to form a centre from which the settlers might radiate. Recent investigations have disproved this assumption, and a road is now nearly completed to Porirua, which brings the settlers immediately upon that rich belt of land at the base of the Tararua and Tengariro mountains, including the whole Taranaki district, and watered by numerous rivers, two of which, the Wanganui and the Manawater, are hardly inferior in importance to the Thames itself.

Not merely is it important for the sake of the settlers at Port Nicholson, but we would suggest that the honour of your Excellency, which is deeply involved in the tranquility and progress of the colony, equally requires that the seat of government should be established at Port Nicholson. The relations between the British settlers and the native population are at present in an undefined and uncertain state; there is no question connected with the colonization of New Zealand in which the interests of humanity are more deeply concerned, and none, perhaps, which is more likely to excite the attention of the British public; but it is obvious that these relations, which may be expected every day to become more complicated, cannot be superintended by your Excellency at a distance of several hundred miles, with no certain or regular means of communication between Port Nicholson and the present seat of government. The settlers are already brought into contact with a native population of probably 20,000 persons; without the presence of some controlling power, which may challenge the respect and submission of the natives, and may at the same time inspire them with confidence that they shall be maintained in the full enjoyment of their lawful rights, it is impossible to assert that the peaceful intercourse hitherto so happily maintained will be permanent. If from the absence of such a power any dissension should unfortunately arise, the presence of your Excellency will be imperatively required, but it may then be too late to cure the evils which an early residence in this place might have prevented; deep-seated distrust and enduring hostility may take the place of the kindness and confidence at present existing; and such feelings, while they would give a serious check to the progress of settlement in every part of New Zealand, could only result in the destruction of the native population, or their being driven from the present seats of their tribes to take refuge in the mountains of the interior. Such results every humane and just man, and no one more than your Excellency, must be anxious at any cost to avoid, but no effectual safeguard against their occurrence can be found other than the establishment of the seat of government at this port.

We would further venture to suggest that the terms accorded by the Home Government to the New Zealand Company afford to your Excellency an opportunity of freeing yourself from the invidious duties of land commissioner, and of devoting your undivided attention to the discharge of the higher functions of government. We may even express our belief, that in according these terms, it was the intention of Her Majesty's Ministers, as far as possible, without creating an absolute monopoly, to place the disposal of the waste lands in New Zealand in the hands of that Company, subject undoubtedly to the supervision of the Governor of the colony. This arrangement would place your Excellency in the most advantageous position for protecting the interests of the settlers, and for guiding the progress of settlement. Instead of a rivalry, undignified if not absolutely injurious, between the Colonial Government and a private but powerful company, there would be a combination of effects for the one great object of colonizing, in the briefest period, and in the most advantageous mode, the islands of New Zealand. In this work there would be due subordination, the operations of the Company being performed under the eye of your Excellency; but this advantage can only be obtained by making Port Nicholson the seat of government.

We are assured that your Excellency cannot be insensible to these considerations. We have not dwelt upon particular inconveniences to be experienced by the settlers in this district, such as the distance of the courts of law, and the consequent difficulty and delay in obtaining justice, the want of a power for local improvements, and other similar topics, because the charter of incorporation promised by the Home Government will afford a partial if not a complete remedy for these wants. We have touched only upon those points which appear to us to affect the interests of the whole colony, and in which the Government is no less concerned than the colonists. We are assured that among the whole body of the settlers at this port there is an earnest desire to witness the arrival of your Excellency among them as a permanent resident, and that all classes would unite in a cordial support of your government.

We entreat you to believe that in thus addressing you we are actuated by a sincere desire to see your Excellency's Government established upon a prosperous and permanent footing.

We have, &c.

(signed) *W. Wakefield.* *Henry St. Hill.*
R. Davis Hanson. *Geo. Hunter.*
George Samuel Evans. *Ed. Daniell.*

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Reply, No. 3.

Gentlemen,

I HAVE the honour to acknowledge the receipt of your address, and to present my best thanks for the congratulations you offer on the independent position of this colony, over which Her Majesty has done me the honour to appoint me Governor.

You are pleased to express deep regret that any circumstance should have taken place tending to disturb those amicable relations between me and the settlers of Port Nicholson, which, for the honour of the Crown and interest of the colony, it is desirable to maintain. In this sentiment I most earnestly and cordially concur, and I shall hail with extreme satisfaction any disposition on the part of the settlers to restore that harmony which you very justly observe is so highly essential for the developement of the resources of the colony, and which you do me but justice in believing I am most desirous to cultivate.

Gentlemen,—I should hold it to be inexpedient and improper for me to enter into any discussion with you upon suggestions you have thought fit to offer on the future government of this colony. But I hesitate not to assure you, that your interests shall not be neglected; that every measure shall be taken in strict accordance with Her Majesty's gracious pleasure, as conveyed to me by Her Principal Secretary of State for the Colonies; and that such suggestions as you have already offered in your address, or may hereafter offer for the benefit of the settlers in the southern districts, shall receive due consideration.

I have reason to hope that when the arrangements of Government are fully complete, that many of the inconveniences of which you complain will be found susceptible of easy adjustment; and I will not allow myself to believe that I shall be denied the satisfaction of soon meeting the settlers at Port Nicholson on terms of mutual confidence.

I have, &c.
(signed) *W. Hobson.*

No. 26.
Lord Stanley to Governor Hobson.
19 January 1842.

— No. 26. —

(No. 12.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 19 January 1842.

I HAVE to acknowledge the receipt of your despatch of the 24th of May last (No. 41/6), transmitting copies of congratulatory addresses, presented to you on your appointment as Governor of New Zealand, from the inhabitants of Auckland and Kororarika, and from the magistrates of Port Nicholson, together with copies of your replies thereto.

I have, &c.
(signed) *Stanley.*

No. 27.
Gov. Hobson to the Principal Secretary of State for the Colonies.
26 May 1841.

— No. 27. —

(No. 7/41.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand Government House, Auckland,
My Lord, New Ulster, 26 May 1841.

REFERRING your Lordship to my despatch to the Right Hon. the Marquess of Normanby, and also to my despatch to your Lordship, I have now the honour to transmit the copy of the treaty of Waitangi, signed by the native tribes in the district of Kawia.

No. 43, dated 25 May 1840; No. 7, dated 15 Oct. 1840; *vide* Papers relative to New Zealand, ordered by The House of Commons to be printed, 11 May 1841, No. 311, pp. 15 & 98.

This copy of the treaty, together with those forwarded in the above-mentioned despatches, now constitute the complete series, the original of which are preserved amongst the archives of the colony.

I have, &c.
(signed) *W. Hobson*, Governor.

Enclosure in No. 27.

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou Rangatira tanga meo ratou wenua a kia mau tonu hoki te Rongo ki a ratou me te ata noho hoki, kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani. Kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahi katoa o te wenua nei ne nga motu, na te mea hoki he tokomaha he nga tangata o tona Iwi kua noho ki tenei wenua a e haere mai nei. Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata maori ki te pakeha e noho ture kore ana. Na kua pai te Kuini kia tukua ahau a Wiremu Hopihana he Kapitana i te Koiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani, e tukua aianei amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani, me era Rangatira atu enei Ture ka korerotia nei.

Ko te Tuatahi.

Ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa hoki kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani, ake tonu atu te Kawanatanga katoa o o ratou Wenua.

Ko te Tuarua.

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga Hapu ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou Wenua o ratou kainga me o ratou taonga katoa. Oliia ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua ki te ritenga o te utu e wakaritea ai e ratou ko te Kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru.

Kei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu Tirani, Ka tukua ki a ratou nga tikanga katoa, rite tahi ki ana mea ki nga Tangata o Ingarani.

By His Excellency's command.

(signed) *Willoughby Shortland,*
Colonial Secretary.

Ka ko matou, ko nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani ka huihui nei ki Waitangi. Ko matou hoki ko nga Rangatira o Nu Tirani, ka kite nei i te ritenga o enei kupu ka tangohia ka wakaaetia katoatia e matou. Koia ka tohungia ai o matou Ingoa o matou tohu.

Ka meatia tenei ki Waitangi, i te ono o nga Ka o Pepuere, i te tau kotahi mano e wara raw e wa te-kau-o to tatou Ariki.

Signed before us,
W. C. Symonds.
James Hamlin.
James Wallis.
John Whiteley.

at Manukau, 28 March 1840,
Ko te Kawau, his mark ×.
Ko te Tinana, his mark ×.
Ko te Reweti.
at Kawia, April 28, 1840,
Ko Rawiri, his mark ×.
Ko te Kanawa, his mark ×.
May 21, 1840,
Ko Tariki, his mark ×.
Ko Haupokia, his mark ×.
May 25,
Ko te Waru, his mark ×.
June 15,
Ko Taunui, his mark ×.
Ko Honewaitere, Te Aoturoa, his mark ×.
Ko te Matenga, Te Wahapu, his mark ×.
August 27,
Ko Ngamotu, his mark ×.
September 3,
Ko Warekaua, his mark ×.

I certify that the above is a true copy of the treaty of Waitangi, with the signatures attached thereto.

(signed) *George Clarke,*
Chief Protector of Aborigines.

[For Translation of the Treaty, *vide* Papers relative to New Zealand, ordered by The House of Commons to be printed, 11 May 1841, No. 311, page 98.]

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No. 28.
Gov. Hobson to the Principal Secretary of State for the Colonies.
26 May 1841.

— No. 28. —

(No. 41/11.)

EXTRACT of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House, Auckland,
New Ulster, 26 May 1841.

HAVING already reported the course I adopted on the receipt of Her Majesty's letters patent, appointing me the first Governor and Commander-in-Chief of this newly formed colony, I judge it proper to convey to your Lordship by the earliest possible opportunity, a general statement of the constitution of society, and of the position in which I stand in respect to the settlers generally, throughout the islands.

I will not trespass on your Lordship's attention by any lengthened account of the state of society, which is a subject that has been so frequently and so fully brought under your Lordship's notice, that very little additional information can be afforded.

Those persons who have settled at Port Nicholson under the auspices of the company are, from their rank, their numbers, and their wealth, by far the most important in the colony. But it is to be regretted that, from the impunity with which they have heretofore, in defiance of the Government, encroached on the land, they assume a tone of dictation and authority, which is totally subversive of all government, and which must eventually be overcome, or the sole management of the affairs of the island must be surrendered into their hands.

On a recent occasion Sir George Gipps gave them the permissory occupation of 110,000 acres around Port Nicholson, on condition of their confining themselves to that limit, with a promise to recommend to your Lordship to obtain for them from Her Majesty a free grant to that extent, in return for the expense the Company had incurred in importing immigrants into the colony. But almost coincident with that act of grace, they spread themselves over the lands of Manganui, to a distance of 90 miles, in direct opposition to a notice simultaneously published both by Sir George Gipps and myself respectively.

To this encroachment they have since added the lands of Terranake, which they have assigned to the Plymouth Company; and there is great reason to apprehend that none of this vast territory has been legally purchased from the aborigines. But this is a question I will not prejudge.

I design shortly to visit Port Nicholson, when I will require the agents of the Company to submit their claims for examination to the Land Commissioners.

The natives in the neighbourhood of these new settlements have evinced considerable dissatisfaction at the occupation of lands, to which they lay claim; and more than one tribe has called on me to remove the intruders, threatening to dislodge them by force, if I do not afford redress. I hope, when I visit them, to reconcile these differences, and if necessary to require a further payment to be made to satisfy their claims.

Besides the natives, there are many Europeans who claim large portions of these lands in virtue of prior purchases; but these latter will furnish cases for the Land Commissioners to decide.

The settlers of the northern part of the island for the most part consist of persons who have emigrated from the adjacent colonies; many of whom lay claim to the richest portions of the country, which in the course of their traffic with the natives they have been enabled to select, and purchase on most favourable terms.

From this portion of the colonists I have received every possible support, with the exception of some of the very lowest class, who have endeavoured to inflame the minds of the natives by disseminating amongst them false reports of the intention of Her Majesty's Government.

The next class I have the honour to introduce to your Lordship's notice is the native race. These, I am rejoiced to say, continue to preserve a peaceable demeanour towards the white population, and hold themselves amenable to our laws in a wonderful degree.

It is not my purpose to enlarge on this subject here, considering it of such paramount importance as to form the subject of a separate despatch, which I will have the honour to forward by a future opportunity.

As

As respects my own position in regard to the settlers generally, your Lordship will have heard before this can reach you of the hostility I have experienced, at the instigation of the Company's agents, from the settlers at Port Nicholson; where public meetings have been held, and resolutions adopted to petition Her Majesty for my removal from the Government, on the ground of partisanship, neglect of public duty, &c.

This petition has produced a counter petition from those interested in the northern portion of the island, applauding my measures, and praying Her Majesty to retain my services, and still to honour me with her gracious confidence.

It is quite evident, notwithstanding the extraneous matter introduced into the Port Nicholson petition, that the whole matter resolves itself into the simple fact, that I have not studied the exclusive advantage of the Company, by fixing the seat of Government at Port Nicholson; and it is equally certain, that the counter-petition must be attributed to my having chosen my position on the Waitemata.

Had I been base enough to prefer my own comfort to, what I believed to be, the public benefit, I could have established myself at Port Nicholson; where, surrounded by a compact society, all personally identified with the place, I might have left it to the Company's agents or their press to answer any censure which might flow in upon me from other quarters. Or had I been still more base, and kept in view my pecuniary advantage, there could have been no scheme devised better calculated to ensure my own fortune and that of my friends, than presented itself at Port Nicholson; it needed but to have speculated largely in the Company's shares, and having raised their value by the location of Government, to have sold off my interest whilst they preserved their artificial value.

But, my Lord, I claim no merit for resisting these temptations; for had I yielded to them, the moral debasement would have sunk me to the grave.

In my public capacity I came to this country without bias to any interest whatsoever; I judged from what I saw, and what I learned from authentic sources, from which I formed a strong conviction that this portion of the country united in itself the numerous qualities requisite for the seat of Government of this promising colony; and I therefore chose this situation.

The enormous prices given for allotments at the recent sale of Auckland speak highly in favour of my selection, and the unanimous opinion of all who have visited the country, seems to confirm the wisdom of my choice. Your Lordship's approval of my proceedings is now only wanting to ensure the prosperity of this town, and relieve my mind from all uneasiness.

As to the value of Port Nicholson as a situation for the seat of Government, I feel quite assured that no fair conclusion can be drawn from the statements made by the Company's agents. We find, for instance, a large portion of the press engaged in circulating the most exaggerated statements of its merits; and a bird's-eye view of the settlement is exhibited in the windows of every print-shop to delude the unwary into a belief that it commands a plain surface; but the perspective, which would show it as it is, broken and precipitous, is carefully kept out of sight.

There is no subject on which I am more solicitous than the re-adjustment of all differences between the Government and the settlers of the southern district. They are a valuable class of colonists, and it shall be my study to disabuse their minds of the evil prepossessions instilled into them by the Company's agents and their press.

I know I have been held up to these people as their only enemy, and all their disappointments have been attributed to me, especially the nonfulfilment of the promise insidiously given in the prospectus of the Company, wherein the town of Wellington is described as "their principal city," which is generally read and understood as "the principal city."

The measures I mean to adopt for their benefit, and that of others at a distance from Auckland, is to institute courts of general, quarter, and petty sessions of the peace, very nearly assimilating to those held in England. And the places where those courts shall be held will afford the means of punishing offenders, without subjecting the prosecutor or witnesses to the inconvenience and expense of travelling, as I hope, beyond a day's journey; and to bring home justice, under the more summary jurisdiction of magistrates, to settlers in remote

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(chiefly whaling) stations, I intend to appoint a magistrate, whose duty it will be occasionally to visit such stations, and to hold petty sessions on the spot.

To these will be added courts of requests, which, together with the sessions of magistrates, will provide for all ordinary cases, both civil and criminal, that are at present likely to occur.

It will hereafter become necessary to hold circuit courts for the trial of capital offences and issues in civil actions; but the details of this court cannot be taken into consideration before the arrival of the chief justice.

I know it is an object of great desire to the settlers at Port Nicholson to obtain a charter of incorporation.

When I shall have ascertained that the inhabitants of that or any other town are sufficiently numerous to carry out the details, and afford the expense of managing their own affairs, such as forming and improving roads, streets, &c. I purpose to introduce to the Legislative Council an Ordinance to enable this Government to grant them charters of incorporation, with power to elect their own civic officers, to be called the mayor, aldermen, common councilmen and burgesses, with a common seal, and with the authority which is generally vested in English corporate bodies, except the right of holding courts of justice, or of appointing a recorder; these I mean to retain in the hands of Her Majesty's Government, that I may better exercise control over all judicial proceedings, and preserve Her Majesty's prerogative in the nomination of judges.

By these measures the colonists will enjoy the advantages of legal protection, and the power of managing their own affairs, whilst the Government will be relieved from the enormous expense attendant on the establishment of new towns.

If to these I can add the boon of maintaining more frequent intercourse between the capital and remote stations, I trust that no further obstacle will remain to the restoration of harmony and confidence between the Government and the colonists.

I have to apologise to your Lordship for the diffusive nature of this despatch, but I was unavoidably led into subjects which may appear irrelevant; first, to show the state of public feeling in the colony; secondly, the causes which had engendered that feeling; and lastly, the remedy I propose for the removal of all just grounds of complaint.

Should these measures meet your Lordship's approval, I shall be fully compensated for all the vexatious and offensive opposition I have encountered.

No. 29.
Lord Stanley to Gov. Hobson.
24 Jan. 1842.

— No. 29. —

(No. 16.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

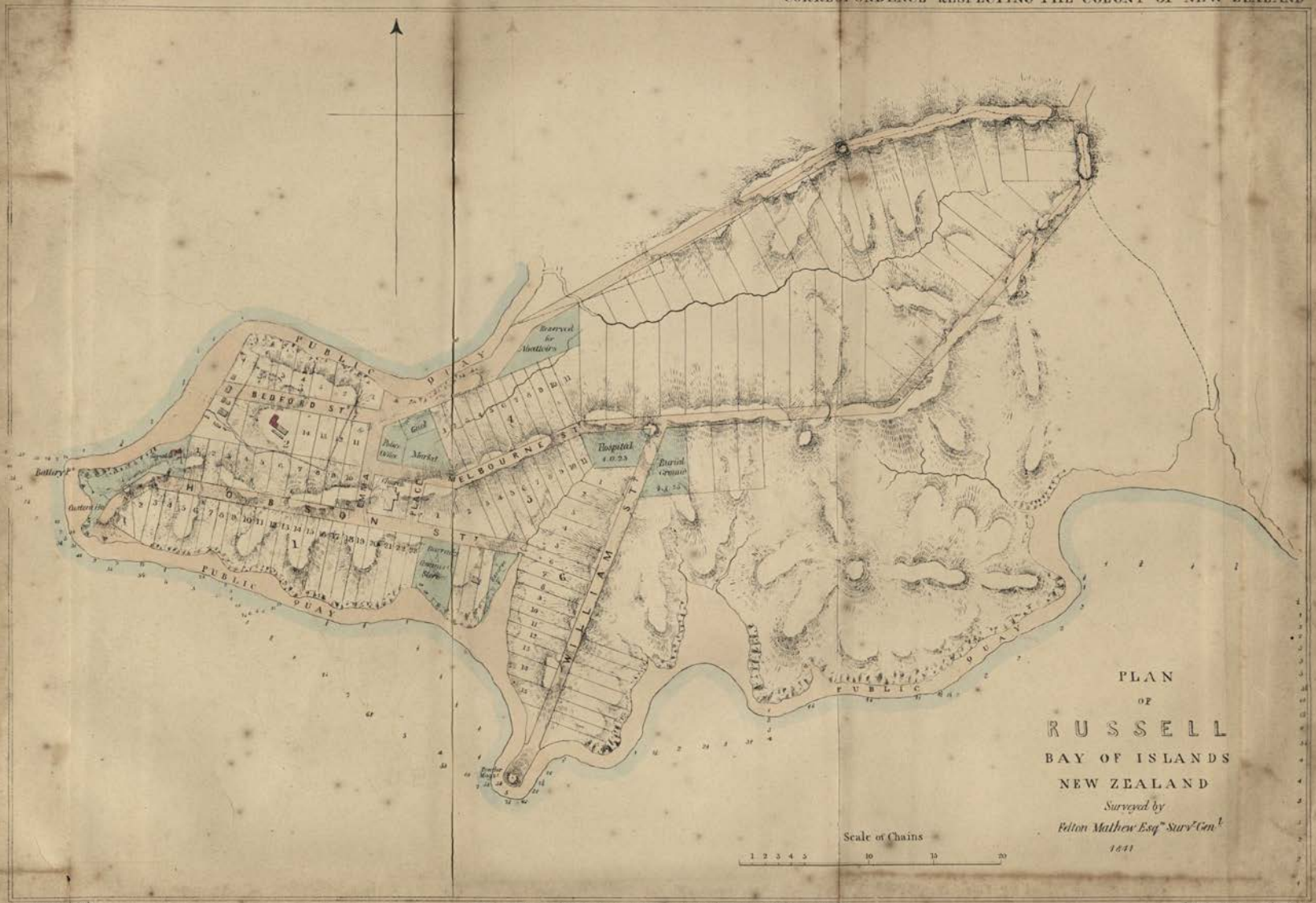
Sir, Downing-street, 24 January 1842.

I HAVE to acknowledge the receipt of your Despatch of the 26th of May last, No. 41/11, containing a general statement of society, and of the position in which you stand with respect to the settlers generally, throughout the islands of New Zealand.

I approve of your proceedings as reported in that Despatch, and also of the measures which you state it to be your intention to adopt for the benefit of the colonists generally, and more particularly of those who are resident at a distance from the seat of Government.

I am, &c.

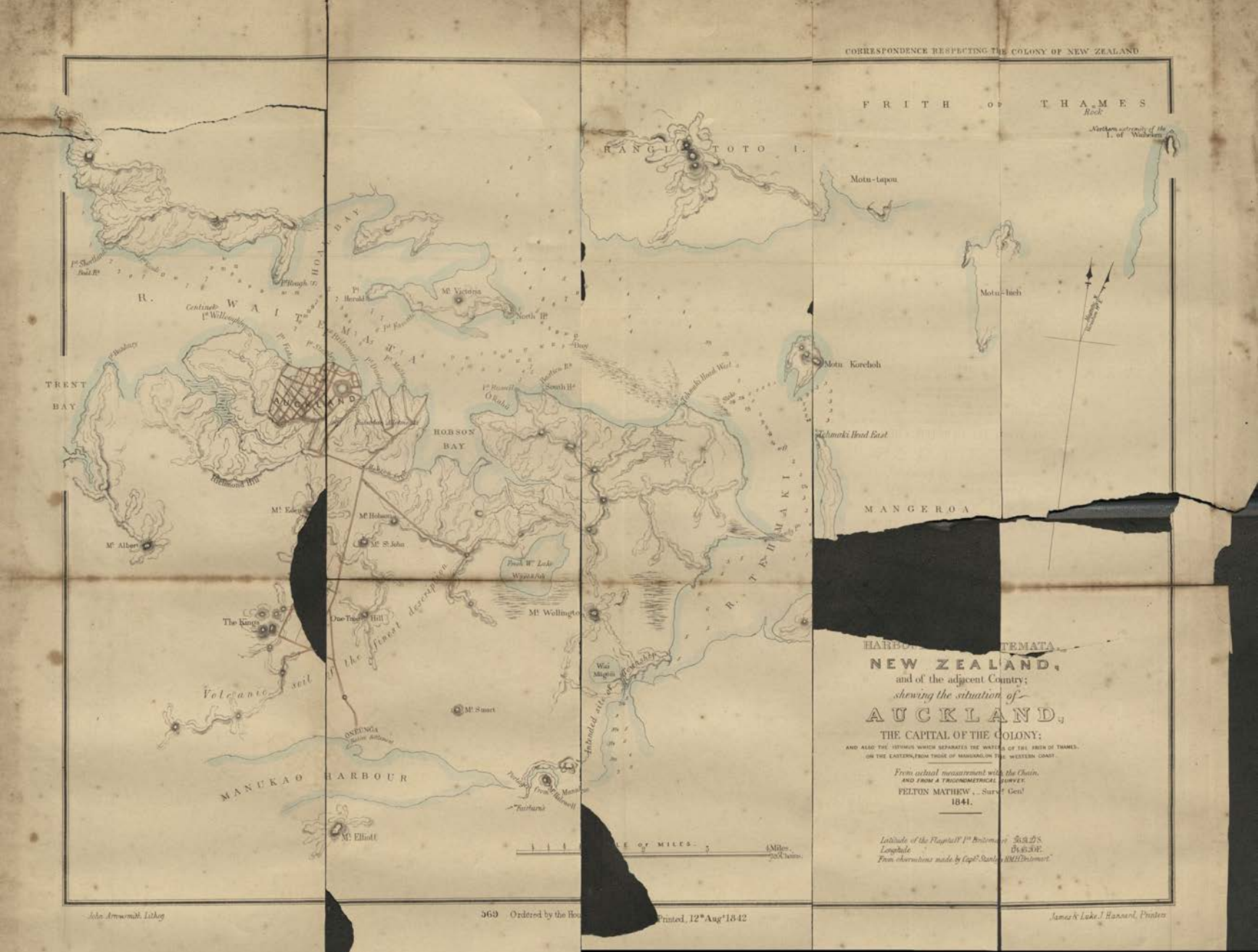
(signed) *Stanley*.



John Arrowsmith Lithe

569 Ordered by The House of Commons to be Printed 12th Augt 1842

James & Luke J Hansard Printers


FRITH of THAMES
RANGITOTO I.
Motu-tapou
Motu-ihoh
Motu Koreboh
Tehmaki Head East
MANGEROA
Northern extremity of the I. of Waiheke
Rock
TRENT BAY
HOBSON BAY
MANUKAO HARBOUR
R. WAITEMATA
Mt Victoria
North Bt
Mt Eden
Mt Hobson
Mt St John
Mt Albert
Mt Wellington
Mt Smart
Mt Elliott
The Kings
One Tree Hill
Richmond Hill
ONEHUNGA
Volcanic soil
Reclaimed from the sea
Proposed Road from Manukau
Fairburn
Wai Mumu
Pukaki
Pt Herald
Pt Bunny
Pt Hobson
Pt Britomart
Pt Resolution
Pt Halsey
Pt Chetham
Pt Shortland Built Bt
Pt Rough
Pt Fanshawe
Pt Brown
Pt Russell
Pt Stanley
Pt Tamaki Head West
Harbour Bt
South Bt
Beach W. Lake Wai-ata-tua
Continental Willoughby
Mahurangi
Mahoe
Mahoe
Mahoe

— No. 30. —

(No. 41/10.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 30.
Gov. Hobson to the Principal Secretary of State for the Colonies.
14 July 1841.

Government House, Auckland, New Zealand,
14 July 1841.

My Lord,

I DO myself the honour to forward to your Lordship herewith the copy of a letter I have received from Felton Mathew, Esq. the surveyor-general, submitting for transmission to your Lordship three plans, the product of operations in which he has been principally engaged since the establishment of the Government in New Zealand.

1.
3 Plans.

Mr. Mathew's Report, as contained in this letter, is so full and explicit, as to any remarks from me, beyond my testimony to the facts mentioned superfluous.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 30.

Encl. in No. 30.

Surveyor-General's Office, Auckland,
19 May 1841.

structions from his Excellency the Governor, I have prepared which I have the honour to forward herewith for transmis-
e Secretary of State for the Colonies.
mall scale, showing the situation of the town, and
n Waitemata and Manukao, together with the
islands at the mouth of the harbour, and the
determine by my trigonometrical survey, so
of the capital with regard to the northern
lation to the eastern and western coasts,

f Russell, in the Bay of Islands,
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direct, where they can be procured much more readily, more cheaply, and in every respect better than in New South Wales.

With this view I am now preparing, and shall have the honour to submit in a few days, a statement of the surveying instruments and other articles which I consider necessary in order to insure a supply adequate to the wants of my department.

I have, &c.

(signed) *Felton Mathew*,
Surveyor-General.

— No. 31. —

(No. 41/1.)

No. 31.
Gov. Hobson to the Principal Secretary of State for the Colonies.
27 July 1841.

COPY of a DESPATCH from Governor *Hobson*, to the Principal Secretary of State for the Colonies.

New Zealand Government House, Auckland
New Ulster, 27 July 1841.

My Lord,

I HAVE the honour to draw to your recollection that in your despat
9th December 1840, No. 1, giving to me general instructions fo
administration of the Government of this colony on its separat
South Wales, your Lordship stated it "to be absolutely necess
commission should ascertain, and that the law should dete
were private, and what public property;" and your Lordshi
the receipt of that despatch a commission, appointed b
South Wales under a law passed in that colony, shoul
land, to take the earliest opportunity for superseding
the law, by the enactment of a local Ordinance for th

In compliance with such your Lordship's direc
incumbent upon me to assemble the membe
early period, and measures were taken for

Pending, however, the meeting of t
Executive Council (which then consi
treasurer, as my official advisers) as
tive Council of New South Wal
within the Islands of New Z
colony; and as that doubt w
to whom the question was
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For Lord J. Russell's Despatch, 9 Dec. 1840, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311 p. 24.

A.
...s. 1 to 6.
..., Nos. 1 & 2,
...120 of this
...r Ordi-
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...land Ordi-
...ed by the
...mons to
... February

and the increase in its European settlers may call for; and it will be my duty in availing myself of any portions of the New South Wales laws to omit all enactments which can only be necessary in a penal colony. Your Lordship will observe that this Ordinance follows the enactments of the New South Wales Act, 3 Vict. No. 28, and contains a similar indemnity clause.

In accordance with your Lordship's instruction I caused to be prepared, and the Legislative Council adopted, the Ordinance No. 2, which you will find to be an enactment for the same general purposes as the Act of the Governor and Legislative Council of New South Wales, under which commissioners for investigating claims to grants of lands in this colony were appointed by that Governor. I have, however, deemed it advisable to insert in clause 2 of this Ordinance the words "leases or pretended leases," in order to dispel an erroneous idea, which ...d obtained considerable weight, that the occupation of lands under leases was ...rohibited in express terms by the New South Wales Act; and another ...ment was introduced in clause 5, granting to parties interested, under par... ...ircumstances, a further term of 12 months for preferring their claims. ...dments, I trust, will meet with your Lordship's approval.

...e doubts having existed among captains or masters in command ...visiting these islands, as to the power of Her Majesty's Govern... ... them even the same duties of customs which were to be col... ...esty's subjects, my attention was therefore directed to this ...ed to assert Her Majesty's prerogative thereon.

... that, by an Act of the Governor and Legislative Coun... ...Vict. No. 19, no duties of customs were to be levied ... July 1841; while that Act provided that no duty ...orted into any of the New Zealand Islands until ... to me advisable that certain alterations in the ... Regulation Act, 2 Vict. No. 3, should be ...o be imposed and collected on spirits and ...to call upon the Legislative Council to ... and the Ordinance No. 3, providing ...w Zealand has been passed. It is ... New South Wales Act for the ... preparation very great atten... ...arrangements, and to con... ...ction required, I thought

... respect to the duty ...atives by its sus... ...ame so cheap, ...fore; and as ...suing

NEW ZEALAND.

as I could, to establish courts of general, quarter, and petty sessions of the peace, which I trust will be found sufficient to meet all the cases that may occur, until further provision can be made for holding courts of superior jurisdiction.

It is unnecessary for me to make other observations on the Ordinance No. 4 of the Legislative Council, than that it institutes courts of general and quarter sessions, authorizes the holding of petty sessions, defines their respective powers, and assimilates, as nearly as circumstances admit, the establishment and holding of those courts to the basis of such courts in England.

Provision has been made, as your Lordship will observe, under the present state of this colony, for an attendance of jurors, who cannot possess qualifications which would be requisite in England. I feel, that without adopting this step, it would be impossible to constitute a jury; and when I look upon the state and condition of that portion of our society which is composed of mechanics, I cann but entertain a well-grounded hope that the privilege which they thus ob will prove beneficial to them, and act as an incentive to a sober and moral of life.

The number of detached settlements, especially in the whaling distri the occasional attendance of a magistrate, and I have therefore vision for the appointment of visiting justices, whose duties wil on the more remote and distant parts of the colony.

The subject of the distilling, rectifying, and compoundi some time occupied the attention of the Governor and New South Wales, and it had been in contemplation th Sanctioned and established, as it had been, by legislati was found to be impossible for a time, without im ment, or great loss to the individuals who had guarantee of the law.

My attention was particularly drawn to th Mr. Cooper, who, being well conversan from its allowance, and aware of the Government, particularly in his dep to enforce the provisions of the (No. 9), suggested to me the the colony; and as I apprehe or putting a stop to it, and habitants of this colony Ordinance No. 5 to l colony.

The observatio pose, and indu and petty ses for yo

Enclosure (A.) in No. 31.

Encl. (A.) in No. 31.

MINUTE.—Tuesday, 4th May 1841.

His Excellency the Governor was pleased to submit to the Council the following question, viz. "How far the laws of New South Wales are applicable to New Zealand?"

Ordered, That a copy of this Minute be forwarded by the clerk of the Council to Mr. Fisher for his opinion, he being the most ostensible and best qualified person to advise the Council.

(True copy.)

(signed) *J. Coates*, Clerk of Council.

OPINION.

His Excellency the Governor having been pleased, with the advice of the members of the Executive Council, to require my opinion upon the question, "How far the laws of New South Wales are applicable to New Zealand?" I have endeavoured to give to this question that consideration which its importance requires. At present I do not possess the means of referring to any authority upon the subject; and the patent erecting this colony into a separate government only, as I suppose, recites a part of the Act of the Imperial Parliament, 4 Vict.; and as no copy of that Act has been received, its other enactments, if any, are unknown. A passage, however, in the instructions transmitted to his Excellency, would seem to imply that in the opinion of the Right honourable the Secretary of State for the Colonies, the laws of New South Wales are in force in this colony; but as those instructions are dated 5th December 1840, and the Act of the Governor and Legislative Council of New South Wales, 3 Vict. (No. 28), only passed that Council on the 16th June 1840, and as Her Majesty's patent is dated 16th November 1840, it is clear that the New South Wales Act, declaring the laws of that colony to extend to New Zealand, could not at that time have received Her Majesty's approval.

It seems to me also clear, that the Legislative Council of New South Wales, which numbered amongst its members the chief justice and attorney-general, did not consider the laws of that colony to extend to New Zealand, although then annexed to its government, until so declared by an enactment of its Legislative Council; and as, under the Act of the Imperial Parliament of Great Britain, Her Majesty has declared and erected New Zealand into a separate and independent colony, I cannot but arrive at the conclusion that the same rule must apply to this colony which would be acted upon in any other newly-acquired territory becoming part of the Crown of England, either by conquest, by cession, or by right of occupancy.

In the position in which this colony now stands, there cannot be a doubt but that the common law of England, as well as all laws of the British Parliament which are applicable to the condition and situation of the colonists, are in force.

I do not, however, think that any of the laws of the Legislative Council of New South Wales are now in force in this colony; but as a doubt may arise, under the circumstances to which I have before alluded, I would recommend that an Act of the Legislative Council of this colony be passed, at the earliest period, similar to the Act of the Government of New South Wales, 3 Vict. (No. 28).

Auckland, 11 May 1841. *Francis Fisher*, Attorney-General.

(True copy.)

(signed) *J. Coates*, Clerk of Council.

Enclosure (B.) in No. 31.

TITLES of the Ordinances passed by the Governor and Council. Encl. (B.) in No. 31.

No. 1. AN Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's colony of New Zealand, from and subsequent to the date of Her Majesty's Royal charter and letters patent, erecting into a separate colony the islands of New Zealand, and to indemnify the Lieutenant-governor and other officers thereof for certain Acts done and performed between the date of the said Royal charter and letters patent and the day of passing this Ordinance.

No. 2. An Ordinance to repeal within the said colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty and adopted under an Ordinance of the Governor and

NEW ZEALAND.

and Legislative Council of New Zealand, for extending the laws of New South Wales to the said colony of New Zealand; and which said Act of the Governor and Council of New South Wales is intituled "An Act to empower the Governor of New South Wales to appoint Commissioners with certain Powers to examine and report on claims to Grants of Land in New Zealand;" and also to terminate any commission issued under the same, and to authorize the Governor of the colony of New Zealand to appoint commissioners with certain powers to examine and report on claims to grants of lands therein, and to declare all other titles, except those allowed by the Crown, null and void.

* No. 3. An Ordinance to repeal within the said colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled "An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the General Regulation thereof;" and also a certain other Act of the said Governor and Council of New South Wales passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled "An Act for increasing the Duties on Spirits, Wine, and other Goods and Merchandize imported into the Colony of New South Wales and its Dependencies;" and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said colony of New Zealand and its dependencies; and to make provision for the collection of certain duties on goods imported into, and for the general regulation of the revenue of customs in the colony of New Zealand and its dependencies.

* No. 4. An Ordinance for instituting and regulating courts of general and quarter sessions in the colony of New Zealand, and to authorize the holding of petty sessions within the same, and for defining their respective powers, and determining the places at which the same shall be holden; and for repealing within the colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said colony of New Zealand.

* No. 5. An Ordinance for prohibiting the distillation of spirits within the colony of New Zealand.

* No. 6. An Ordinance, instituting courts of civil jurisdiction, to be called Courts of Requests in different parts of the colony of New Zealand and its dependencies.

(signed) *W. Hobson.*

Enclosure 1, in No. 31.

ANNO QUARTO VICTORIÆ REGINÆ.

Encl. 1, in No. 31. No. 1.—By his Excellency *William Hobson*, Esq., Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, with the Advice and Consent of the Legislative Council thereof.

Title. "AN ORDINANCE to declare that the Laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's Colony of New Zealand, from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof for certain Acts done and performed between the date of the said Royal Charter and Letters Patent, and the day of passing this Ordinance."

Preamble. WHEREAS, by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, intituled, "An Act to declare that the Laws of New South Wales extend to Her Majesty's Dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the Administration of Justice therein, and to indemnify certain Officers for Acts already done:" after reciting that Her Majesty had been pleased to annex Her Majesty's dominions of New Zealand to the government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales, which then were or thereafter might be in force within the said colony, should extend to and be applied in the administration of justice within Her Majesty's dominions in the said islands of New Zealand, so far as they could be applied therein: And whereas, under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's reign, intituled, "An Act to continue until the 31st day of December 1841, and to the end of the then next ensuing Session of Parliament, the Provisions of any Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other Purposes relative thereto;" Her Majesty did, by her Royal charter and letters patent,

3 Vict. No. 28.

4 Vict. c.

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* For Ordinances, Nos. 3, 4, 5, and 6, *vide* New Zealand Ordinances, ordered by The House of Commons to be printed, 28 February 1842, No. 61.

NEW ZEALAND.

patent, under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 16th day of November 1840, erect into a separate colony the islands of New Zealand, theretofore comprised within, or dependencies of the colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned, and did further provide, that from thenceforth the said islands should be known and designated as the colony of New Zealand: And whereas, by Her said Royal charter and letters patent, Her Majesty did constitute a Legislative Council for the said colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace, order, and good government of the said colony: And whereas it is expedient, until such Laws and Ordinances can be well considered and ordained, that all such Laws, Acts, or Ordinances of New South Wales as are applicable to the colony of New Zealand, should continue to be acted upon and be applied therein:

And in order to remove any doubt which may exist, whether the said Laws, Acts, or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said colony of New Zealand, from and subsequent to the date and proclamation of such Her Majesty's said Royal charter and letters patent:

So much of all laws of New South Wales as have already been, and can be applied to the colony of New Zealand, adopted.

1. Be it therefore enacted and ordained, by his Excellency the Governor in and over the colony of New Zealand, with the advice of the Legislative Council thereof, that so much of all and every of the Laws, Acts, or Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been, and can hereafter, during the continuance of this Ordinance, be applied within the said colony of New Zealand, shall be and the same are hereby adopted and declared, and directed to be extended to and applied in the administration of justice in the said colony of New Zealand, in the like manner as all other the laws of England, and as if the same had been repealed and re-enacted in this Ordinance.

Further preamble.

2. And whereas doubts may arise as to the validity of acts done and performed in the said colony of New Zealand, since the date of Her said Majesty's Royal charter and letters patent, by his Excellency, as the Lieutenant-governor of the same, and by justices of the peace, officers of customs, constables, and other officers under and by virtue of the said partly-recited Act of the Governor and Legislative Council of New South Wales; for the removal whereof,

Indemnity for acts done since 16th November 1840.

Be it therefore further enacted, that the said Lieutenant-governor of the colony of New Zealand, and all justices of the peace, officers of customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of Her Majesty, or of the Governor of New South Wales, or of the said Lieutenant-governor of the said colony of New Zealand, or under any orders and directions of the same Lieutenant-governor, or of his Excellency the Governor, since his assuming the government of the said colony of New Zealand, previous and up to the passing of this Ordinance, shall be, and they and each and every one of them are, hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they or any one of them may have heretofore, or may now otherwise be liable for any act so done or performed.

Such acts declared valid.

3. And be it further enacted, that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any court of law, by reason of any supposed want of power and authority; and that all such acts so done and performed shall be, and they are declared to be, as valid and effectual in law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within and under, or by virtue of any law or statute of the Parliament of Great Britain and Ireland.

Interpretation clause.

4. And be it further enacted and ordained, that in all or any of the said Acts of the Governor and Legislative Council of New South Wales which shall, under and by virtue of this Ordinance, be brought into operation, and extended to and applied in the said colony of New Zealand, whenever the words "Governor, with the advice of the Executive Council," "Governor," "Justice or justices of the peace," or "Government Gazette of New South Wales," are used in such Act or Acts, the same words shall be construed to mean, and shall include and extend to, "The Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," and "all or any justice or justices of the peace," and to the "Government Gazette of the said colony of New Zealand;" and that all words and expressions referring or having relation to New South Wales shall be, and the same are hereby directed to be, applied and construed to extend to the said colony of New Zealand.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, this 3d day of June, in the year of our Lord 1841.

(signed) *J. Coates*, Clerk of Council.

NEW ZEALAND.

ANNO QUARTO VICTORIÆ REGINÆ.

No. 2.—By his Excellency *William Hobson*, Esq. Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, with the Advice and Consent of the Legislative Council thereof.

Title.

"AN ORDINANCE to repeal, within the said Colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth Year of the Reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land in New Zealand,' and also to terminate any Commission issued under the same, and to authorize the Governor of the Colony of New Zealand to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land therein, and to declare all other Titles, except those allowed by the Crown, null and void."

Preamble.

WHEREAS, by an Act of the Governor and Legislative Council of New South Wales and its Dependencies, made and passed in the fourth year of the reign of Her present Majesty, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land in New Zealand;" after reciting that, in various parts of the islands of New Zealand, comprehended within the limits of the territory and government of New South Wales, tracts or portions of land were claimed to be held by various individuals, by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, either mediately or immediately from the chiefs or other individuals of the aboriginal tribes inhabiting the same; and reciting that no such individual or individuals could acquire a legal title to or permanent interest in any such tracts or portions of land, by virtue of any gift, purchase, or conveyance, by or from the chiefs or other individuals of such aboriginal tribes as aforesaid; and also reciting that Her Majesty had, by instructions under the hand of one of Her Majesty's Principal Secretaries of State, dated the 14th day of August 1839, declared Her Royal will and pleasure not to recognise any titles to land in New Zealand which did not proceed from, or were not, or should not be allowed by Her Majesty; and after stating that it was expedient and proper to put beyond doubt the invalidity of all titles to land within the said islands of New Zealand, founded upon such purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, from the same uncivilised tribes, or aboriginal inhabitants of New Zealand; it was, therefore, in and by the said now reciting Act, declared and enacted, that all titles to land in New Zealand which were not, or might not, thereafter be allowed by Her Majesty, were and should be absolutely null and void: And the said now reciting Act then authorizes and empowers the said Governor of New South Wales to issue one or more commission or commissions, and thereby to appoint commissioners, who should have full power and authority to hear, examine, and report on all claims to grants of land in New Zealand, with certain other powers and provisions in the said Act contained: And whereas the said Governor of New South Wales, under and by virtue of the said Act, did issue his commission, bearing date, under the seal of the said colony of New South Wales, the 30th day of September, in the year of our Lord 1840, thereby appointing certain commissioners, with power to hear, examine, and report on all claims to grants of land in New Zealand: And the said commissioners appointed therein did proceed to hear and examine certain of such claims, but have not as yet reported thereon; and other of the like claims have been lately referred to the said commissioners by the said Governor of New South Wales: And whereas, since the appointment of the said commissioners, the islands of New Zealand have been separated from the Government of New South Wales, and erected into a colony by Her Majesty's Royal Charter; and it is therefore expedient and necessary that the said Act of the Governor and Legislative Council of New South Wales and its dependencies should be repealed, and the said commission so issued by the said Governor thereof determined: And whereas it is expedient and proper that a local Ordinance for the same general purposes, intended to be provided for by the said in part recited Act of the Governor and Council of New South Wales, together with such other enactments applicable to the altered circumstances of the colony of New Zealand, should be enacted by the Governor and Legislative Council of the same.

The New South Wales Act, 4 Vict. No. 7, repealed.

Commission determined.

1. Be it therefore enacted and ordained, by his Excellency the Governor in and over the said colony of New Zealand, with the advice and consent of the Legislative Council of the same colony, that from and immediately after the passing of this Ordinance, the said Act of the Governor and Council of New South Wales so adopted as aforesaid, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers to examine and report on claims to grants of Land in New Zealand," be and the same is hereby repealed and of no effect within the said colony of New Zealand; and the said commission so issued by the said Governor of New South Wales, under and by virtue of the powers for that purpose contained in the said Act, is hereby determined and declared

declared to be null and void, anything in the said Act to the contrary thereof notwithstanding.

All titles to land in New Zealand absolutely null and void, except allowed by Her Majesty.

2. And whereas it is expedient to remove certain doubts which have arisen in respect of titles of land in New Zealand; be it therefore declared, enacted, and ordained, that all unappropriated lands within the said colony of New Zealand, subject, however, to the rightful and necessary occupation and use thereof, by the aboriginal inhabitants of the said colony, are and remain Crown or domain lands of Her Majesty, Her heirs and successors, and that the sole and absolute pre-emption from the said aboriginal inhabitants vests in and can only be exercised by Her said Majesty, Her heirs and successors; and that all titles to land in the said colony of New Zealand which are held or claimed by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, leases or pretended leases, agreements, or other titles, either mediately or immediately from the chiefs or other individuals or individual of the aboriginal tribes inhabiting the said colony, and which are not, or may not hereafter be allowed by Her Majesty, Her heirs and successors, are and the same shall be absolutely null and void.

Not to affect land purchased of, or held under, Her Majesty.

Provided, and it is hereby declared, that nothing in this Ordinance contained is intended to or shall affect the title to any land in New Zealand already purchased from Her Majesty's Government, or which is now held under Her Majesty.

Governor may appoint Commissioners to hear, examine and report on claims to grants of land in New Zealand.

3. And whereas Her Majesty hath, in the said instructions, been pleased to declare Her Majesty's gracious intention to recognise claims to land which may have been obtained on equitable terms from the said chiefs or aboriginal inhabitants or inhabitant of the said colony of New Zealand, and which may not be prejudicial to the present or prospective interests of such of Her Majesty's subjects who have already resorted, or who may hereafter resort to and settle in the said colony: And whereas it is expedient and necessary that in all cases wherein lands are claimed to be held by virtue of any purchase, conveyance, lease, agreement, or any other title whatsoever from the said chiefs or tribes, or any aboriginal inhabitants or inhabitant whomsoever of the said colony of New Zealand, an inquiry be instituted into the mode in which such claims to lands have been acquired, the circumstances under which such claims may be and are founded, and also to ascertain the extent and situation of the same;

Be it therefore enacted and ordained, that it shall and may be lawful for the Governor of the said colony of New Zealand, and he is hereby authorized and empowered to issue one or more commission or commissions, and thereby to appoint commissioners, who shall have full power and authority under the same to hear, examine, and report on all claims to grants of land in virtue of any of the titles aforesaid, in the said colony of New Zealand; and each of such commissioners shall, before proceeding to act as such, take and subscribe, before a judge of the Supreme Court of New Zealand, or before such person as the Governor or chief justice for the time being shall in writing appoint for that purpose, the oath set forth in the Schedule to this Act annexed, marked (A.); which oath shall be recorded in the office of the colonial secretary of the said colony.

All claims to grants of land in New Zealand already made to and directed by the Governor of New South Wales, to be referred to the Commissioners directed to be referred under this Act.

4. And be it further enacted and ordained, that the claims of all persons who may have already made application to the Governor of New South Wales to have grants of land within the said colony of New Zealand, and whose claims have by the said Governor been referred, or directed to be referred, to the said commissioners so appointed by the said Governor of New South Wales, shall be and the same are hereby referred to the commissioners to be appointed under and by virtue of this Ordinance, to the end that all such claims may be heard, examined, and reported on for the information and guidance of the said Governor of New Zealand; and the said commissioners, or any two of them, shall proceed to hear, examine, and report on such claims in manner hereinafter mentioned: provided always, that in each and every claim already heard and examined, or partly heard and examined, it shall and may be lawful for the said commissioners, and they are hereby authorized to receive and act upon the evidence, statements, and documents, or other information taken and recorded by the commissioners appointed under the said repealed Act of the Governor and Council of New South Wales aforesaid, and shall and may report thereon as if the same had been heard and examined, and the said evidence, statements, documents, and other information had been taken and recorded under and by virtue of the provisions of this Ordinance.

And whereas, in and by the said Act of the said Governor and Council of New South Wales, it is provided that all claims which should not be preferred in writing to the colonial secretary of New South Wales within six months after the passing of that Act, should be absolutely null and void, unless it should be made to appear, to the satisfaction of the said Governor, that any claimant or claimants should not, by reason of absence or other sufficient cause, have been able to prefer his or their claims within the said term of six months, in which case it should be lawful for the said Governor, at any time within a further term of six months, to refer such claim or claims to the said commissioners, who should have power and authority to receive and report upon the same as in other cases: And whereas the first term of six months so fixed has expired, and it is expedient and proper that the said term under which his Excellency the Governor is empowered to receive and refer further claims shall be extended under this Ordinance;

Governor of New Zealand may receive and refer claims under this Ordinance to Commissioners.

5. Be it therefore enacted and ordained, that it shall and may be lawful for the Governor of New Zealand, if at any time within 12 months next after the passing of this Ordinance, it shall be made to appear to the satisfaction of the said Governor, that any claimant or claimants shall not, by reason of absence from the colony or other sufficient reason, have been able to prefer his or their claims within the said term so fixed by the said in part recited Act of the Governor and Council of New South Wales, it shall be lawful for the said Governor, at any time within a further term of 12 months from and after the passing of this Ordinance, to refer such claim or claims to the said commissioners, who shall have power and authority to receive and report upon the same as in other cases: provided always, that nothing herein contained shall authorize the said commissioners to receive or report upon claims, except such as shall be referred to them under and by virtue of the provisions of this Ordinance.

Commissioners to be guided by the real justice and good conscience of the case.

6. And be it enacted and ordained, that in hearing and examining all claims to grants as aforesaid, and reporting on the same, the said commissioners shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not; and that the said commissioners shall in every case inquire into and set forth, so far as it shall be possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid for the lands claimed to any of the said chiefs or tribes, or any aboriginal inhabitants or inhabitant of the said colony of New Zealand, as well as the time and manner of the payment, and the circumstances under which such payment was made, without taking into consideration the price or valuable consideration which may have been given for the said lands by any subsequent purchaser, or to any other person or persons, save such chiefs or tribes, or aboriginal inhabitants or inhabitant as aforesaid; and shall also inquire into and set forth the number of acres which such payment would have been equivalent to, or according to the rates fixed in a Schedule marked (B.) annexed to this Ordinance; and if the said commissioners, or any two of them, shall be satisfied that the person or persons claiming such lands, or any part thereof, is or are entitled, according to the declaration of Her Gracious Majesty as aforesaid, to hold the said lands, or any part thereof, and to have a grant or lease thereof made and delivered to such person or persons under the Great Seal of the said colony, they the said commissioners shall report the same, and the grounds thereof, to the said Governor accordingly, and shall state whether the claim or claims reported on is or are original or derivative, with the name or names of the party or parties to whom the grant or lease should issue, and shall set forth the situation, measurement, and boundaries by which the said lands, or portions of land, shall and may be described in every such grant or lease, so far as it shall be possible to and they conveniently can ascertain the same; provided, however, that no grant of land shall be recommended by the said commissioners which shall exceed in extent 2,560 acres, unless specially authorized thereto by the Governor, with the advice of the Executive Council, or which shall comprehend any headland, promontory, bay, or island that may hereafter be required for any purpose of defence, or for the site of any town or village reserve, or for any other purpose of public utility, nor of any land situate on the sea-shore within 100 feet of high-water mark; provided also, that nothing herein contained shall be held to oblige the said Governor to make and deliver any such grants as aforesaid, unless his Excellency shall deem it proper so to do.

Certain lands not to be recommended by Commissioners for Grant.

7. Provided nevertheless, and be it enacted and ordained, that the said commissioners shall not propose to grant to any claimant whatsoever any land which may, in the opinion of the majority of the said commissioners, or of the majority of the commissioners appointed to investigate the demand of such claimant, be required for the site of any town or village, or for the purposes of defence, or for any other purpose of public utility; nor shall they propose to grant to any individual any land of a similar character which they may be directed to reserve by the Governor of New Zealand, but that in every case in which land of such description would otherwise form a portion of the land which the commissioners would propose to grant to the claimant, they shall, in lieu of such land, propose to grant to him or her a compensation in such quantity of other land as they the said commissioners, or the majority of them, shall deem an equivalent for every acre, or part of an acre, so required to be reserved either for the site of village or township, or for the purpose of defence, or for any other purpose of public utility as aforesaid.

Commissioners' meetings.

8. And be it enacted and ordained, that the meetings of the said commissioners shall be holden in such manner and at such place or places as the said Governor shall from time to time appoint, and the said commissioners shall proceed, with all due despatch, to investigate and report upon the claims referred to them.

Powers of Commissioners.

9. And be it enacted and ordained, that it shall and may be lawful for the said commissioners, upon receiving any such claim as aforesaid, to notify in the New Zealand Government Gazette, or in any gazette or newspaper published in New Zealand, the day appointed for inquiring into such claim; and that such notification shall be a sufficient warning and summons to any claimant or opponent under this Ordinance: provided that the said commissioners, or any one of them, are and is hereby authorized to issue summonses requiring all such persons as shall therein be named to appear before the said commissioners, at the day, time, and place therein appointed, to give evidence as to all matters and things known to any such person respecting such claim, and to produce in evidence all deeds, instruments,

or

or writings in the possession or control of any such persons which they might by law be required and compelled to give evidence of, or to produce in evidence in any cause respecting the like matters depending in any of Her Majesty's courts of law, in so far as the evidence of such persons, and the production of such deeds, instruments, and writings shall be requisite for the due investigation of such claim depending before the said commissioners, and that all such evidence shall be taken down in writing in presence of, and be signed by, the witnesses respectively giving the same; but in case any witness shall refuse, or shall be unable to sign, the said evidence shall be attested as having been taken, and read over, by one or more of the said commissioners, and that all such evidence shall be given on oath, which oath it shall and may be lawful for the said commissioners, or any one of them, to administer to every person appearing before them to give evidence; and that any person taking a false oath, in any case wherein an oath is required to be taken by this Ordinance, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties, as by any law now in force any person convicted of wilful and corrupt perjury is subject and liable to: provided always, that in all cases in which it may be necessary to take the evidence of any aboriginal native who shall not be competent to take an oath, it shall be lawful for the said commissioners to receive in evidence the statement of such aboriginal native, subject to such credit as it may be entitled to from corroborating or other circumstances.

Person summoned, not appearing, or refusing to give evidence, may be apprehended under warrant of Commissioners, and punished by fine or imprisonment.

10. And be it enacted and ordained, that whenever any person, who, being duly summoned to give evidence before the said commissioners as aforesaid, his or her reasonable expenses having been paid or tendered by the party requiring such witnesses, and not having any lawful reason or impediment allowed by the said commissioners, shall fail to appear at the time and place specified in such summons, or after appearing, shall refuse to be sworn, or to answer any lawful question, or to produce any deed, instrument, or writing which he or she may lawfully be required to produce, or without leave obtained from the said commissioners, shall wilfully withdraw from further examination, without a satisfactory excuse being given to the said commissioners for such default, or appearing, shall refuse or decline to be examined, or give evidence according to law, touching the matter in question, it shall and may be lawful for the said commissioners, and they are hereby authorized and empowered to issue their warrant for the apprehension of such person, in order that he may be brought before them to give evidence touching such matter as shall be in question, for which he shall have been summoned as aforesaid; and it shall be further lawful for the said commissioners, if such person shall not show sufficient cause, to the satisfaction of such commissioners for such default, to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding 21 days, or in lieu of such imprisonment, to pay such fine not exceeding 100*l.*, as the said commissioners shall impose, which fine shall be paid to the colonial treasurer of New Zealand, and appropriated to the public uses of the Government thereof.

Salaries to be paid to Commissioners.

11. And be it enacted and ordained, that the said commissioners shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct by warrant under his hand, to be paid from and out of the revenues of New Zealand; and the same shall be the whole remuneration of the said commissioners for and in respect of their said office.

Fees to be taken by Commissioners on account of the Government.

12. And be it enacted and ordained, that there shall be paid to the said commissioners, by every person making a claim to a grant of land, which shall be referred by the Governor to the said commissioners for examination, as hereinbefore is provided, the several fees specified in the annexed Schedule to this Ordinance, marked (C.): and the said commissioners shall duly account for all fees so paid to them or him as aforesaid, and shall pay the same into the hands of the colonial treasurer of New Zealand monthly, or as nearly so as practicable, to be appropriated to the public uses of the Government thereof.

Saving the right and prerogative.

13. Provided always and be it declared and ordained, that nothing in this Ordinance contained shall be deemed in any way to affect any right or prerogative of Her Majesty, her heirs or successors.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, the 9th day of June, in the year of our Lord 1841.

(signed) *J. Coates*, Clerk of Council.

SCHEDULES REFERRED TO.

(A.)

Commissioners' Oath.

I, , do solemnly swear, that I will faithfully, diligently, impartially, and honestly, to the best of my ability, execute the several powers and trusts reposed in me as a commissioner appointed under and by virtue of a certain Ordinance of the Governor of New Zealand, with the advice of the Legislative Council of the said colony, made and passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled, "An

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Ordinance to repeal, within the said colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the laws of New South Wales to the said colony of New Zealand, and which said Act of the Governor and Council of New South Wales, is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand; and also to terminate any commission issued under the same; and to authorize the Governor of the colony of New Zealand to appoint commissioners, with certain powers, to examine and report on claims to grants of land therein; and to declare all other Titles, except those allowed by the Crown, null and void;'" and that I will not myself, directly or indirectly, take or receive any fee or reward for anything done or performed, under and by virtue of the provisions of the said Ordinance, other than and except such as i sauthorized by the said Ordinance.

So help me God.

(signed) *A. B.*

Sworn before me this day of 184 .

(signed)

Judge of the Supreme Court of New Zealand, or Commissioner appointed for this Purpose.

(B.)

Time when the Purchase was made.			Per Acre.				
			s.	*d.*		*s.*	*d.*
From 1 January 1815 to 31 December	1824		–	6	to	–	–
— 1825 - — -	1829		–	6	—	–	8
— 1830 - — -	1834		–	8	—	1	–
— 1835 - — -	1836		1	–	—	2	–
— 1837 - — -	1838		2	–	—	4	–
— 1839 - — -	1839		4	–	—	8	–

And 50 per cent. above these rates for persons not personally resident in New Zealand, or not having a resident agent on the spot.

Goods, when given to the natives in barter for land, to be estimated at three times their selling price in Sydney at the time.

(C.)

Fees to be received by the said Commissioners.

	£.	*s.*	*d.*
For filing any memorial with the colonial secretary, or opposition thereto -	5	–	–
For every summons for witnesses, each summons containing two names, by the party requiring the same - - - - - - - - - - -	–	5	–
For every witness examined, or document or voucher produced in evidence, by the party on whose behalf examined or produced - - - - -	–	5	–
For taking down the examination of any witness - - - - - -	–	5	–
For every 100 words after the first hundred, additional - - - -	–	2	6
For every certificate granted by commissioners, of default, refusal to answer, or wilful withdrawing of any witness - - - - - - - -	1	–	–
For any final report, to be paid by the party or parties in whose favour made, when the extent of the land recommended be not exceeding 500 acres -	5	–	–
For every additional 100 acres - - - - - - - - - -	–	10	–

No. 32.
Lord Stanley to Governor Hobson.
18 February 1842.

— No. 32. —

(No. 23.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 18 February 1842.

I HAVE received your despatch of the 27th of July last, No. 41/1, transmitting copies of six Ordinances, passed by the Legislative Council of New Zealand, in the month of June last.

No. 1. "An Ordinance to declare that the Laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in Her Majesty's Colony of

of New Zealand, from and subsequent to the Date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand; and to indemnify the Lieutenant-governor and other Officers thereof, for certain Acts done and performed between the date of the said Royal Charter and Letters Patent, and the Day of passing this Ordinance."

With regard to this Act, I have to make the following observations:

The 2d and 3d clauses of it indemnify the Lieutenant-governor, and all officers and others who may have acted under and by virtue of any commission of the Queen, of the Governor of New South Wales, or of the Lieutenant-governor of New Zealand, or under any orders of the Lieutenant-governor or Governor, since his assumption of the government, and provide that no Act of any such officer or person shall be questioned by reason of any supposed want of authority, and that all such acts shall be as valid as if they had been done under an Act of Parliament. It appears to me that in this case the meaning and the language do not coincide. The meaning is, that no supposed invalidity of the commission of the Governor of New South Wales, or of the Lieutenant-governor of New Zealand, or of their officers, shall invalidate their official acts, but that they shall be as valid as though the Governor and Lieutenant-governor had held and exercised their offices under an unquestionable legal title. To this there would appear to be no objection, except that the question may arise, on what ground the legality of their title to govern New Zealand is disputed. But the enactment goes much further. It gives validity to whatever the Governor or Lieutenant-governor may have done in that character, so that acts the most clearly illegal and void, irrespectively of this particular ground of objection, would be placed beyond all question. For example, an arbitrary commitment to prison, without warrant or evidence, by any justice of the peace of the Lieutenant-governor's appointment, would, according to the text of this law, be valid and effectual.

You will propose to the Legislative Council of your government the revision and amendment of these clauses; in the meantime Her Majesty's decision on the Ordinance will be suspended.

After I shall have consulted the proper departments of the Government, Her Majesty's decision will be communicated to you on the remaining five Acts, viz.:—

No. 2. "An Ordinance to repeal within the Colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the 4th Year of the Reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers to examine and report on Claims to Grants of Land in New Zealand, and also to terminate any Commission issued under the same, and to authorize the Governor of the Colony of New Zealand to appoint Commissioners, with certain Powers to examine and report on Claims to Grants of Land therein, and to declare all other Titles, except those allowed by the Crown, null and void."

No. 3. "An Ordinance to repeal within the Colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the 3d Year of Her present Majesty's Reign, intituled, 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;' and also a certain other Act of the said Governor and Council of New South Wales, passed in the 4th Year of the Reign of Her said present Majesty, intituled, 'An Act for increasing the Duties on Spirits, Wines, and other Goods and Merchandize imported into the Colony of New South Wales and its Dependencies,' and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said Colony of New Zealand and its Dependencies; and to make provision for the collection of certain Duties on Goods imported into, and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its Dependencies."

No. 4. "An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective Powers, and determining the Places at which the same shall be holden; and for repeal-

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ing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said Colony of New Zealand."

No. 5. "An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand." And,

No. 6. "An Ordinance for instituting Courts of Civil Jurisdiction, to be called 'Courts of Requests,' in different parts of the Colony of New Zealand and its Dependencies."

I am, &c.
(signed) *Stanley.*

— No. 33. —

No. 33.
Lord Stanley to Governor Hobson.
18 March 1842.

(No. 27.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson.*

Sir, Downing-street, 18 March 1842.

WITH reference to my despatch of the 18th ultimo, No. 23, I have to acquaint you that Her Majesty has been graciously pleased to confirm and allow the Ordinances passed by the Legislative Council of New Zealand, entitled:

No. 2. "An Ordinance to repeal within the Colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the Fourth year of the Reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, and which said Act of the Governor and Council of New South Wales is entitled, 'An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land in New Zealand; and also to terminate any Commission issued under the same; and to authorise the Governor of the colony of New Zealand to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land therein, and to declare all other Titles excepting those allowed by the Crown null and void."

No. 4. "An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers, and determining the places in which the same shall be holden, and for repealing within the colony of New Zealand certain Acts of the Governor and Council of New South Wales adopted and now in force within the said colony of New Zealand."

I am, &c.
(signed) *Stanley.*

— No. 34. —

No. 34.
Lord Stanley to Governor Hobson.
19 March 1842.

(No. 28.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson.*

Sir, Downing-street, 19 March 1842.

WITH reference to my despatch No. 23, of the 18th ultimo, I have now to acquaint you that Her Majesty has been graciously pleased to confirm and allow the Ordinance passed by the Legislative Council of New Zealand,

No. 5. "An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand."

I am, &c.
(signed) *Stanley.*

— No. 35. —

(No. 41/13.)

No. 35.
Gov. Hobson to the Principal Secretary of State for the Colonies.
30 July 1841.

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand Government House, Auckland,
My Lord, New Ulster, 30 July 1841.

I HAVE the honour to report that, immediately on the passing of Ordinances 4th & 5th Victoria, No. 2, for the appointment of commissioners to investigate claims to land in this colony, I reappointed two of the commissioners, Captain Richmond and Colonel Godfrey, who had previously held the office under Sir George Gipps; and I continued to them the same salary and furnished them with the same instructions, slightly modified, as had been ordered by his Excellency.

Having received your Lordship's instruction that another commissioner may be expected from England, I accepted Mr. Fisher's resignation, whose health is much too feeble for the active duties of the commission, and appointed him, provisionally, attorney-general, in which office I have great satisfaction in acknowledging to your Lordship the able and diligent services he has rendered in the formation of the government.

The duties of the commission have been wholly suspended by the inclemency of the weather, which has been so severe and so wet as entirely to prevent the native witnesses from collecting.

I hope soon to see the commissioner your Lordship has appointed, that I may learn from him precisely the views of Government on this complicated question.

In the mere investigation of claims his absence is not likely to be felt for some time, as two commissioners form a quorum; and both Captain Richmond and Colonel Godfrey are strong, vigorous men, who are not likely to be interrupted in their duty by illness; and I have provided in their instructions, that if any difference of opinion should occur, which may involve principles, the case be suspended until they have the benefit of a third opinion.

But this suspension is not to occasion increased expense to the applicants, nor will it, in fact, create delay, as other cases may in the meantime be proceeded with.

In conclusion, I beg to recommend to your Lordship's notice the two gentlemen who at present form this commission, Captain Richmond and Colonel Godfrey.

Captain Richmond, of the 96th Regiment, was selected by Sir George Gipps from the high testimonials he bore, and the unqualified praises that were bestowed on him for his mild, just, and efficient administration of the government of Paxo, where he was for some time resident.

Since the colony has had the benefit of his services, I can testify that he has displayed the same qualities, coupled with moral habits and clear judgment, which mark him in the highest degree qualified for the trust reposed on him.

Captain Richmond had heard that some reflection was cast on him by Mr. Sinclair, for purchasing an allotment from the Crown whilst holding the office of commissioner, implying that his office should have precluded him from having any interest in the land; and he wrote to me in some uneasiness, lest this circumstance might prejudice your Lordship against him.

I simply replied to his letter that no such consequence could result, as it would be clear to your Lordship that, as well as other officers, he must find shelter for his family, and that the purchase he had made, being from the Crown, could in no way affect public confidence in his integrity, as no claim could arise on lands that had been conveyed by Her Majesty.

Colonel Godfrey was recommended to Sir George Gipps by Sir Maurice O'Connell, with whom he had served many years, and who knew him to be a gentleman of high and honourable principle and clear judgment; since I have had the pleasure of his acquaintance, he has fully confirmed in my mind the character bestowed on him by his old commanding officer. He is punctual and correct in his habits, firm and clever in his judgment, and very clear in his decisions.

In a word, if I may be allowed to pass an opinion on the acts of Sir George Gipps, I would say that he has shown a very wise discrimination in the selection of these gentlemen for the onerous duties they are required to perform.

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I hope I do not imply a contrary opinion as to Mr. Fisher. He is a man of high integrity and a good lawyer; but his health, as I said before, unfitted him for enduring the privations to which he was exposed.

I have, &c.
(signed) *W. Hobson.*

No. 36.
Lord Stanley to Governor Hobson, 24 Sept. 1841.

— No. 36. —

(No. 2.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson.*

Sir, Downing-street, 24 Sept. 1841.

10 Sept. 1841.

I TRANSMIT to you herewith copy of a letter which has been addressed to my Under Secretary of State by the Commissioners of Colonial Land and Emigration, covering copy of a letter from Mr. Sinclair, at Wellington, Port Nicholson, on the subject of a memorial addressed to Sir George Gipps relative to the mode in which lands in the new town of Auckland had been disposed of, and I have to request that you will furnish me with a report on the real state of this question.

I feel convinced that it will be in your power to disprove the representations which have been communicated to the Commissioners on this subject; but in the highly improbable contingency of such grants of town lands having been made according to the terms described in the memorial, it will be necessary that the persons in whose favour such grants may have been made should be distinctly apprised that Her Majesty's Government cannot recognise the validity of their titles.

I am, &c.
(signed) *Stanley.*

Enclosure in No. 36.

Encl. in No. 36.

Colonial Land and Emigration Office, 9 Park-street, Westminster, 10 September 1841.

Sir,

WE do ourselves the honour to enclose, for Lord Stanley's information, the copy of a letter which we have received from Mr. Sinclair, at Wellington, Port Nicholson, forwarding the copy of a memorial addressed to Sir George Gipps, from certain settlers in New Zealand, relative to the mode in which lands in the new town of Auckland had been disposed of.

The memorial states that certain town lots, which are named, had been advertised for sale by auction, but that several allotments, comprising some of the most valuable lands in the township, had, as the memorialists have since heard, been reserved from such sale, and appropriated for the benefit of the subordinate officers of the colonial government; that these sections were to be paid for at the average price of half the town sections, and that a credit would be allowed for the payment of the purchase-money until the sale of half the town.

Of the genuineness of this document, and of the accuracy of the statements contained in it, we have no means of judging; but as it has been forwarded to us, we deem it to be our duty to submit it to Lord Stanley's notice.

The facts stated in it, if correctly reported, and considered without reference to the unsupported charge of partiality, show that an alteration had taken place in the mode of selling the Crown lands of the colony. We are, however, unable to state exactly whether the Governor, in making such alteration, exceeded the authority with which he was invested.

In the first letter addressed from the Colonial Department to Captain Hobson, upon his appointment to the office of Her Majesty's consul at New Zealand, it was stated to be "an object of the first importance that the alienation of the unsettled lands within its limits should be conducted, from its commencement, upon that system of sale of which experience has proved the wisdom, and the disregard of which has been so fatal to the prosperity of other British settlements;" and Captain Hobson was further informed, in the same communication, that "the system at present established in New South Wales regarding land will be applied to all the waste lands which may be acquired by the Crown in New Zealand." Afterwards, during the period in which New Zealand remained in the relation of a dependency to the government of New South Wales, the instructions to Captain Hobson to adopt, in the future disposal of lands, the rules in force in New South Wales, were repeated by the Governor of that colony. But by Lord John Russell's despatch, No. 53, of 4 December 1839, Sir George Gipps was authorised to set Captain Hobson at liberty with respect to such parts of his instructions as he should feel it impracticable or highly inexpedient to execute. In particular, it was added, "with regard to the sale of land,

land, it may be found impossible to realize the price of 12 *s.* an acre while that price is not demanded either at Sydney, or in Western Australia, or in Van Diemen's Land. He may therefore reduce the price to 5 *s.* until the higher price is the usual upset price in the Australian settlements."

Sir George Gipps subsequently framed a set of regulations for the disposal of the Crown lands in New Zealand, a copy of which he transmitted to this country in his despatch, No. 148, 6th October 1840. It does not appear, however, whether they were ever issued and declared to be in force, as Sir George Gipps states in his despatch that he had at that time only forwarded them to Captain Hobson for any observations which he might have to offer upon them.

The effect of these regulations would have been to retain the system of selling all lands by auction, at a price to be fixed for each lot by the Colonial Government, and of requiring the payment of the whole of the purchase-money within one calendar month. It is not improbable that when Captain Hobson's reply was received, the regulations may have been established; and that it was in accordance with them, that the advertisement for the sale of lands, which is referred to in the present memorial, had been issued. It does not appear, however, by what authority the Lieutenant-governor could subsequently, at the date of the memorial, have reserved allotments of land from this mode of sale, and disposed of them, as is affirmed, at some uniform price.

The Royal Instructions, indeed, which were finally addressed to Captain Hobson, as Governor of New Zealand, directed that all the waste lands of the colony vested in Her Majesty, after certain specified reservations had been made for the public service, should be sold at one uniform price per acre, which price should, from time to time, be fixed by the Secretary of State. But the date of these instructions, in the month of December 1840, shows that they could not have influenced proceedings taking place in the colony in the succeeding month of January or February.

We regret, therefore, that we are unable to offer any further explanation on the subject of this memorial.

We have, &c.

(signed) *Edward E. Villiers.*
John George Shaw Lefevre.

James Stephen, Esq.
&c. &c. &c.

Wellington, Port Nicholson, New Zealand,
13 February 1841.

Gentlemen,

I HAVE the honour to enclose for your information a copy of a memorial which has been sent from here to His Excellency Sir George Gipps, relative to the proposed disposal of the town allotments, at the city of Auckland, in New Zealand, and I have to request your attention thereto.

I have, &c.

(signed) *D. Sinclair.*

To the Commissioners of the Colonial Land and Emigration Board, London.

TO his Excellency Sir *George Gipps,* &c. &c. &c.

Wellington, Port Nicholson, New Zealand,
10 February 1841.

May it please your Excellency,

WE, the undersigned settlers in New Zealand, and intending purchasers of town lands in the township of Auckland, in New Zealand, beg to call the attention of your Excellency to certain proceedings connected with the proposed disposal of land in that township, deeply affecting our interests as well as those of the public.

By the Government advertisement for the sale of town lands at Auckland, it was stated that sections Nos. 3, 4. 7, 8. 16, & 17, would be exposed to sale by auction, but we have since learned that several allotments, comprising some of the most valuable lands in the township, have been reserved from such sale, and appropriated for the benefit of the subordinate officers of the colonial government; and that these sections are to be paid for, not according to the price which even some of the less valuable lots in their vicinity might command, but at the average price of half the town sections; and that a credit is to be allowed for the payment of the purchase-money until the sale of half the town.

We need not, in addressing your Excellency, dwell upon the injustice of such an arrangement, the loss to the public revenue, the wrong done to *bonâ fide* purchasers, and the injury to the character of the government by which such measures have been proposed or sanctioned; but we may venture to say, that such a proceeding is not less opposed to the instructions of Her Majesty for the disposal of the Crown lands, than unprecedented in the history of the neighbouring colonies. We could, at first, scarcely believe that such a proceeding could be contemplated, since we are assured that there is no one ground, either of policy or justice, on which it can be defended.

We however rely with confidence upon the known character of your Excellency to free the Government from the odium, and ourselves from the injustice of such a measure, by instituting immediate inquiry into the subject, and by suspending the sale until such

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arrangements may have been made as may secure to the public the great benefit of open competition with regard to all lands in that township.

We have, &c.

D. Sinclair.	W. B. Rhodes & Co.	H. Moreing, J. P.
Jas. C. Crawford.	D. S. Durie & Co.	J. T. Wickstead.
Jas. Watt.	Wm. V. Brewer.	Alfred Ludlam.
F. A. Molesworth.	Jno. Nixon.	J. & G. Wade.
E. J. Wakefield.	Ridgways, Greyton, & Earp.	Henry W. Petre.
Hay & M'Hattie.	T. M. Partridge & Co.	R. Barton.
A. Hornbrook.	A. Hort, jun.	Daniel Riddeford.
Samuel Revars.	Edward Daniell.	E. M. Chaffers.
Waitt & Turline.		

No. 37.
Gov. Hobson to Lord John Russell.
31 July 1841.

— No. 37. —

(No. 41/1, Separate.)

EXTRACT of a DESPATCH from Governor *Hobson* to Lord *John Russell*, dated Auckland, New Ulster, 31 July 1841.

(A.) 1 Letter, with 6 Enclosures.

I HAVE the honour to forward, at the desire of Dudley Sinclair, Esq., a letter addressed to your Lordship, complaining of the appropriation of allotments to the officers of this government, which I permitted, under the sanction of Sir George Gipps, in September 1840, and of other matters relating to the land question in this colony.

I trust your Lordship will coincide in the propriety of my declining to enter upon any defence of the charges Mr. Sinclair has chosen to allege against me. But to enable your Lordship to draw your own conclusions, I have the honour herewith to lay before your Lordship all the documents relating to the several subjects he has introduced into his letter.

(B.) 3 Enclosures.

I do not profess to be very well skilled in the mere jobbing part of selling or selecting town allotments, but I think your Lordship will admit that I have not been regardless of the public interest; for even on reference to Mr. Sinclair's plan, it will be seen that every corner allotment, and all that can honestly be called available water-frontage, was either sold by auction or reserved for future disposal.

It may be proper to state to your Lordship that the appropriation of the suburban allotments (alluded to by Mr. Sinclair,) Nos. 1, 2, and 3, were made to accommodate the individual gentlemen who now hold them, namely, the collector of the customs, the protector of aborigines, and the clergyman, neither of whom, with their numerous families of ten, nine, and eight children respectively, could be accommodated in the town, nor was it desirable they should be too far removed from the sphere of their duty. The distance of these allotments from the town is under the prescribed limit given by Sir George Gipps; but between them and it there intervenes a deep ravine, which denies access from one to the other by means of a wheel-carriage, except by making a circuit of at least four miles, or waiting for the tide to ebb, when a cart may with some precaution be driven round the rocks.

Mr. Sinclair has informed your Lordship that one government officer had sold his allotment by auction, and had obtained considerable profit on it before he had paid for it. This was the first information I received that any such transaction actually had taken place; but a month previous to the date of Mr. Sinclair's communication, I heard that such an act was contemplated, when I sent for the officer, and warned him that I would resume his allotment for Government if he presumed to violate the conditions on which he had been allowed to make the selection. On the subject being again brought under my notice, in a very aggravated shape, I again sent for the officer, who fully satisfied me that he had annulled the sale immediately after my former conversation, and that he had sold the allotment in perfect ignorance of the impropriety. Mr. Sinclair admitted that he was aware of the whole circumstance when he forwarded his letter, but sheltered himself under the plea that it was true that the allotment was sold, and it was not necessary to state what followed. Mr. Sinclair's assertion that the colonial secretary has sold his allotment is incorrect; but having bought another at the sale, he has let it, having first paid for it, and he now occupies the other. I find it very hard to attach criminality to these transactions. Mr. Shortland has actually paid at the rate of 734*l.* 10*s.* per acre for

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for his land, and it would be the extreme of injustice to oblige him to retain it in his hands if he choose to live elsewhere.

I have written to Sir George Gipps for his interpretation of the order which directs that the officers shall pay for their allotments when the average price is ascertained, but denies them the control of their property for two years; these regulations, considering the high price the land sold for, seems so unfair that I have proposed to receive the payment at once, and release the officers from all restraint; and this course I will pursue, unless Sir George Gipps shows a very strong reason against it.

Mr. Sinclair further alludes to the transaction that has taken place between this Government and Mr. Clendon; for the elucidation of which I have the honour to refer your Lordship to a separate despatch, which I hope to forward by this opportunity.

No. 41/2. Separate.

Enclosures (A.) in No. 37.

Encls.(A.)inNo.37.

My Lord, Auckland, New Zealand, Monday, 19 July 1841.

I HAVE the honour to address you on a subject deeply affecting the interests of this colony, relating to a question which has lately occupied considerable attention in England, and upon the result of which the success or downfal of this colony must in a great measure depend, viz. the disposal of lands in the colonies upon one uniform system. On the 10th of February last I had the honour to forward to your Lordship a copy of a memorial (which had been drawn up at Port Nicholson, and most numerously and respectably signed there) to his Excellency Sir George Gipps, then Governor-in-chief over these islands, relative to certain town allotments which had been reserved (after having been advertised to be sold) from the sale of lands which took place here on the 19th of April last, and appropriated to the benefit of the subordinate officers of the Colonial Government here. I beg to enclose in Enclosure No. 1, 2, & 3, a copy of that memorial, together with a copy of the reply of his Excellency Sir George Gipps. Your Lordship from these documents will gather that several officers of the New Zealand Government in August last, made an application to his Excellency Lieutenant-governor Hobson "to be allowed to obtain land on which to establish themselves and families, without being forced to wait until land shall be sold at public auction." And you will also perceive that his Excellency Sir George Gipps laid down several conditions and regulations, on complying with which they were to be allowed this "accommodation," and which if not complied with in the "true meaning and spirit," the Government reserved to itself the right of resuming the lands at any time within two years.

It will be my endeavour to prove to your Lordship that every one of these conditions in every particular (which if carried out would have been of slight injury to the settlers,) were allowed to be broken through by the Lieutenant-governor, and that gross jobbing has been sanctioned, great injustice done to the public, and a considerable loss sustained by the public revenue, by the manner in which his Excellency the Lieutenant-governor has allowed the allotments to be chosen.

The first regulation of his Excellency Sir George Gipps sets forth that officers of Government, with a salary of less than 200 *l.* a year, "may have possession of one town allotment not exceeding one quarter of an acre." Under this regulation, those officers of Government with salaries of that amount chose allotments; but the smallest chosen by any of them was 70 perches, the largest contained 114 perches, and the average contents of the nine allotments exceeded 89 perches, while, under Sir George Gipps's regulation, none should have been more than 40 perches. (I beg to enclose in Enclosure No. 4, a plan of the allotments advertised for public auction on the 19th of April last, distinguishing those reserved for public purposes and those reserved for the Government officers, and in Enclosure No. 5, a statement of the allotments reserved, with the contents of each reserve, with a few remarks on their eligibility, &c.) It might no doubt strike your Lordship that it would be exceedingly difficult to lay out allotments of an exact quarter acre, but it is worthy of remark, that out of the 116 allotments sold at public auction, only two exceeded 89 perches; the largest sold was only 91 perches, the smallest 35 perches, and their average contents 53 perches. The regulation also sets forth, that "on taking possession they were to pay a deposit of 5 *l.*, and enter into an agreement to pay the remainder of the purchase-money whenever an average price shall be established for the block or section in which it is situate, by the sale of at least one-third of the allotments in it." The former part of this regulation was not rigidly adhered to; with regard to the latter part, as the sale of the whole sections in which these allotments were situated took place on the 19th April last, and as the 19th May was the last day that the public were allowed to complete the purchase of their allotments, your Lordship will doubtless think that the purchase-money of these allotments which the Government officers had had possession of some time before the sale, would have been paid into the colonial treasury either at or before that date, instead of which, at the period I now write they have not been paid for.

See Plan. No. 4.

The second regulation, which is about suburban allotments, states that those chosen under these regulations, "are not to be within two miles of the outskirts of the township or intended township." I would remark that the three allowed to be occupied by the Lieutenant-governor are within less than half-a-mile from the outskirts of the township in a direct line, and less than one mile as the path goes.

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The third regulation, which is about officers whose salaries are under 200 *l.* a year, states that they may have 20 perches in the town, whereas the average contents of their allotments is nearly 32 perches.

But the great injustice of the case appears in the glaring manner in which the fourth regulation has been broken through, which sets forth, "that the allotments whether in town or country are to be of a fair average value only." With regard to the town allotments selected, your Lordship will doubtless observe by the plan of the township of Auckland, sent home by his Excellency the Governor to the Colonial Office, that the available water frontage of this town is very limited for a place which is destined to become the metropolis of New Zealand; and you will also be aware, that the waterside premises in the centre of a township especially, eventually become the commercial and most valuable part of that town; having these facts therefore in consideration, you will observe that out of the nine allotments chosen by Government officers with salaries exceeding 200 *l.* a year, six were allowed to select allotments with water frontages; three only therefore selected allotments remote from the water which are adapted for private residences.

From the extreme value of allotments with water frontages for commercial people, the waterside was subdivided into very small allotments (that is to say, such as were to be disposed of to the public), the largest put up to public auction contained only 78 perches, the smallest 35 perches, and the average contents of waterside allotments open to the public 48 perches; while on the other hand, two Government officers' waterside allotments exceeded 110 perches, the smallest taken by any of them was 70 perches, and their average contents was nearly 85 perches. Certainly more than one-half of the allotments chosen were of more than fair average value, both as regards size and situation, which may be found out by comparing the price which the next allotments to them fetched with the average price; and one of them, No. 15 of section 8, is one of the largest allotments in the section, the most valuable decidedly, in the section, being next to the proposed dockyard and watering-place, and having a much larger frontage to the public quay than any one in the section, besides its being extremely flat, while most of the waterside allotments are situated on cliffs, which it will take a great deal of capital to reduce.

With regard to the suburban allotments chosen, I would observe, that the waterside is an almost perpendicular cliff, from the outskirts of the township for about three miles, with the exception of a small bay called Mataharehare at a distance of less than one mile from the township, where the waterside premises, which are extremely flat and available (with the exception of those reserved for public purposes,) have been divided into three allotments of five acres each, these being the only available allotments near the township; but two of the best of these, bordering on a fresh-water creek which runs down through the valley, have been selected by Government officers. I can assert, without fear of contradiction, that these allotments are worth 20 times the value of suburban allotments of an average rate; and I therefore submit should be put up to public competition; in fact the loss to the public revenue by these two allotments only, being taken at an average price, can be little short of 1,000 *l.*

I would remark to your Lordship that two of the commissioners for examining claims to grants of land in New Zealand, have chosen town allotments. By judging by the allotments they have chosen, they appear to be good judges of the value and position of land; but on referring to the evidence taken before the House of Lords in April 1838, I find that it appears to have been the general opinion that the commissioners should possess no interest in the soil of New Zealand, for fear, as it may naturally be supposed it will do, of giving them a bias in regard to some particular place, from their duties requiring them to be absent from this place the greater part of the year, and their having to decide more claims at the Bay of Islands than here. An allotment, had they wanted one for a private residence, would have been more suitable for them at the latter place; besides, from their duties being merely temporary, I have every reason to believe that the commission will be dissolved before their deeds can be given them, viz., two years.

I would further observe that, in several instances, the allotments selected were only taken an extremely short time before the sale, and that, had the sale of town allotments taken place on the 8th March, as originally intended, on the day of sale few could have had any permanent buildings on them; at this present moment three have had no buildings erected upon them.

His Excellency Sir George Gipps, in his answer to the memorial, remarks that he has been "induced to grant to some of the public officers in New Zealand, authority to select, not for any purpose of speculation, but for their necessary accommodation, a few allotments in the township of Auckland, on payment of a full and fair price for them." As regards their being for the purposes of speculation, I would observe, that even in the short period of time already elapsed since these allotments were taken possession of, one of them, No. 2, of section 16, has been subdivided and resold by public auction, for more than three times what it cost; and another one, No. 11, of section 3, the property of the colonial secretary, has been since disposed of at a high premium to a gentleman for commercial purposes, before they were actually paid for, so that, had the price of land here fallen since the sale, instead of selling the allotments at a premium, they, through the system of credit which has been allowed to them (but denied to the public), could have thrown the allotments up, and allowed the Government to resume them, by only forfeiting their deposit of 5 *l.*, if they had paid it.

I would observe to your Lordship that, in the regulations for the disposal of waste lands in the colonies, I cannot see any other regulation but that all lands except those reserved for public purposes, are to be put up to public auction at a certain upset price; I find no right

right of pre-emption for Government officers, and I would request your Lordship, as it is evident that the greater part of these allotments have been taken for speculation, and "as an abuse has been allowed to creep in," which his Excellency Sir George Gipps appears to have contemplated the probability of, to exercise the right which the Government have reserved to itself of "cancelling the engagements as they have been taken, in contravention of the true spirit and meaning" of the regulations laid down, and as the deeds will not be given up for two years, there will be ample time for this, in order that they may be put up to public competition, in accordance with the land regulations, or that you will suggest some other remedy, as may seem most fit to your Lordship.

In conclusion I would observe that, in consequence of the strict inquiry which is about to be made into the claims of individuals holding lands under native titles, the public have not learnt, without much dissatisfaction, that an arrangement has been entered into by his Excellency Captain Hobson (in direct opposition to any land regulations in any colony), which will have the effect of placing a complete monopoly of a great quantity of available land in this neighbourhood into the hands of one individual.

Your Lordship is no doubt aware that, in March 1840, his Excellency Captain Hobson agreed to purchase a place called Okeato, at the Bay of Islands, from Mr. J. R. Clendon, for 13,000*l.*, which purchase, it is understood, never received the sanction of Sir George Gipps. I shall not trouble your Lordship with a description of this place; it contains 220 acres; originally cost only 150*l.*, but has some valuable buildings erected on it; but if resold, would scarcely fetch the former sum; but would remark that, in consideration of Mr. Clendon abandoning his claim to that bargain, the Governor, it is understood, has agreed to pay him 3,000*l.*, and to allow him the right of pre-emption of taking two blocks of land of 5,000 acres each, in payment of the whole, one block to be chosen at Tamake, about eight miles from hence, where is the best agricultural land perhaps in the island, and where is a narrow isthmus of one-third of a mile, separating the harbour of Manukoa on the one coast, from the river Tamake (a river running into the Frith of Thames close to Auckland,) on the other, which must eventually be the site of a prosperous town, and where it was at one time recommended the site for the township of Auckland should be, and the other block close to the township. Such an arrangement, combined with the immense reserve which has been made near the town for a Government domain, will have the effect of checking the energies of all persons anxious to commence agricultural pursuits in this neighbourhood, and will therefore, I trust, not meet with your Lordship's approval.

I have, &c.
(signed) *D. Sinclair.*

The Right Hon. Lord John Russell,
Secretary of State for the Colonies, Colonial Office,
London.

(No. 1.)

COPY of a MEMORIAL addressed to his Excellency Sir *George Gipps*, dated Wellington, 10th February 1841, relative to certain Town Allotments at Auckland, which had been reserved for the benefit of the Officers of the Colonial Government.

(*Vide* Enclosure in Lord *Stanley's* Despatch, 24th September 1841, page 131.)

(No. 2.)

Colonial Secretary's Office, Sydney,
22 March 1841.

Gentlemen,

I AM directed by his Excellency the Governor to acknowledge to you the receipt of a letter dated the 10th of February, and signed by a number of the settlers at Port Nicholson, your names being the first in the order of the signatures, and I am to express to you that his Excellency has not received without surprise a communication in which charges are made against his government of injustice to the intending purchasers of allotments in the town of Auckland, and of a departure from the instructions of Her Majesty's Government, in respect to the disposal of Crown lands. His Excellency conceives that the communication which he has received must have been written in entire ignorance of the circumstances under which he was induced to grant to some of the public officers of New Zealand authority to select, not for any purpose of speculation, but for their necessary accommodation, a few allotments in the township of Auckland, on payment of a full and fair price for them. A copy of the letter, therefore, which was addressed by his Excellency to Lieutenant-governor Hobson on this subject, is transmitted to you. His Excellency, in conclusion, desires me to remark, that under the arrangement sanctioned by his Excellency, the lowest price at which allotments of average value could by possibility be obtained, would be 80*l.* per acre, whilst there is every reason to suppose that amongst the persons who have signed the communication from Port Nicholson, there must be some, if not many, who have obtained from his Excellency allotments, and even some of the best in the town of Wellington, at the rate of 20*s.* per acre.

I have, &c.
(signed) *E. Deas Thomson.*

Messrs. Ridgways, Guyton & Earp,
Port Nicholson.

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(No. 3.)

Sir, Government House, Sydney, 3 Sept. 1840.

I HAVE received your despatch of the 5th ultimo, covering an application from several officers of your government to be allowed to obtain land on which to establish themselves and families, without being forced to wait until land should be sold at public auction; and as it appears to me desirable that some accommodation of this sort should be afforded them for the furtherance of the public service, I have to communicate to you my approval of the following arrangement:

1. At the first settlement of any township in New Zealand, and for one year after the first opening of it, any officer of Government whose salary is not less than 200*l.* a year, and whose duties may require him to reside within the township, may have immediate possession of one town allotment, not exceeding a quarter of an acre, on payment for it of a deposit of 5*l.*, and on entering into an agreement to pay the remainder of the purchase-money whenever an average price shall be established for the block or section in which it is situate, by the sale of at least one-third of the allotments in it.

2. Officers whose duties do not require them to live in the towns may, in like manner, obtain a country or suburban allotment of not more than five acres, on payment of a deposit of 10*l.*, and under similar conditions as to the completion of the purchase, on the further condition also that the land so chosen be not within two miles of the outskirts of the township, or intended township.

3. Officers whose salaries are above 100*l.* a year, but less than 200*l.*, may have one-eighth of an acre in the town, or two acres and a half in the country, under similar circumstances and conditions.

4. It is to be distinctly understood, that the allotments, whether in town or country, are to be of fair average value only, and the surveyor-general must be expressly charged to see that no abuse in this respect be allowed to creep in. The officers generally, must further be informed, that the Government reserves to itself the right of cancelling any engagements made in contravention of these regulations, or against the true meaning and spirit of them; and that the deeds of the lands will be withheld for two years, in order that the power of so doing may be preserved.

I have, &c.
(signed) *E. Deas Thomson.*

His Excellency
Lieutenant-Governor Hobson.

(No. 4.)

AUCKLAND:—PLAN of the Allotments advertised for Public Auction on the 19th April 1841; distinguishing those Reserved for Public Purposes, and those Reserved for the Government Officers.

(No. 5.)

A STATEMENT of ALLOTMENTS reserved for Public Officers with Salaries exceeding 200*l.* per Annum.

Number of Section.	Number of Allotments.	Contents in Perches.	REMARKS.
8	3	114	The largest allotment in sections sold with double frontage to streets.
8	15	113	Second largest in ditto, and largest water frontage in township, next to proposed dockyard. Reserved for one of the land commissioners.
8	14	112	Four allotments above average value reserved in this section, which makes average price less than it should have been.
8	7	113	Reserved for one of the land commissioners.
3	11	74	Only one allotment in the section equal in size to this; it has also been enlarged since the sale, and since disposed of
3	13	70	
8	13	70	No improvements made on this allotment to this date.
8	20	70	
7	8	70	
Reserved for Officers with salaries of less than 200*l.* per annum:			
16	2	44	Since resold by public auction; no buildings erected upon it.
4	17	29 ½	One moiety of allotment.
7	11	26 ½	Never occupied by Mr. Mason, for whom it appears as having been reserved.
7	11	26 ½	

Suburban

AUCKLAND.

563. Ordered by the House of Commons to be Printed 12th August 1842.

James & Luke J. Hansard, Printers.

Suburban Allotments reserved :

1 No. } Not stated. Contents 5 acres each, these being the most valuable suburban allot-
2 No. } ments. The third, which is open for public sale, contains only four acres.

3 No. { Not stated. No particulars of suburban allotments reserved have as yet appeared in Government Gazette.

(No. 6.)

Circular.

Sir, Colonial Secretary's Office, Russell, 17 September 1840.

I HAVE it in command from the Lieutenant-governor to inform you, that the application made by you to be allowed to obtain land without being obliged to wait until the sales take place, has been approved by his Excellency Sir George Gipps, and I am accordingly instructed to communicate to you the conditions under which such an indulgence will be granted.

1. At the first settlement of the township, and for one year after the first opening of it, any officer of Government, whose salary is not less than 200 *l.* per annum, and whose duties may require him to reside within the township, may have immediate possession of one town allotment, not exceeding one quarter of an acre, on payment of a deposit of 5 *l.*, and on entering into an engagement to pay the remainder of the purchase-money whenever an average price shall be established for the block or section in which it is situated, by the sale of at least one third of the allotments in it. £. 200. £. 5.

2. Officers whose duties do not require them to live in the town, may in like manner obtain a country or suburban allotment of not more than five acres, on payment of a deposit of 10 *l.*, and under similar conditions as to the completion of the purchase, and on the further condition that the land so chosen be not within two miles of the outskirts of the nearest township, or intended township. £. 10.

3. Officers whose salaries are above 100 *l.*, but less than 200 *l.*, may have one eighth of an acre in the town, or two and a half acres in the country under similar circumstances and conditions. £. 100. £. 200.

4. It is to be distinctly understood that the allotments so chosen, whether in the town or country, are to be of a fair average value only.

5. His Excellency the Lieutenant-governor reserves the right of cancelling any engagements made in contravention of these Regulations, or against the spirit and meaning of them; and the deeds of the land will in consequence be withheld for two years, in order that the power of so doing may be preserved.

I have, &c.
(signed) *Willoughby Shortland.*

Enclosures (B.) in No. 37.

(No. 1.)

Government-House, Auckland, 16 July 1841.

THE surveyor-general is requested to state, for his Excellency's information, the reasons which induced him to make the allotments in the bay, commonly called Official Bay, which is occupied chiefly by government officers, larger in area than was authorized by the circular of the 17th September 1840; and generally what are the relative advantages possessed by each of the allotments having water-frontage.

(signed) *W. Hobson.*

To the Surveyor-General,
&c. &c. &c.

(No. 2.)

Sir, Surveyor-General's Office, Auckland, 26 July 1841.

I HAVE the honour to acknowledge the receipt of a memorandum from your Excellency, calling upon me to explain the reasons by which I was actuated in dividing that portion of the town of Auckland, at present known as Official Bay, and occupied chiefly by the officers of the government, into allotments of greater area than a quarter acre, the extent to which, by the circular letter of the 17th September 1840, they were proposed to be limited. Presuming that your Excellency's minute refers to a letter of Mr. Dudley Sinclair's, which that gentleman has made a matter of public notoriety in the settlement, I shall take the liberty of adverting to some points connected with this question which do not appear on the face of the minute.

In reply, I have the honour, therefore, respectfully to submit for your Excellency's consideration in the first place, that the limit proposed by your Excellency was based on the

 presumption,

NEW ZEALAND.

presumption, that the whole town should be cut up into small allotments of equal extent—quarter acre—an idea which, however well it may appear on paper, and with reference to obtaining the utmost possible price for the land, would be found impracticable in most cases, and in all completely destructive of everything approaching to convenience, elegance and arrangement. In the laying out of a large town, such an object might indeed be easily attained, if the ground to be disposed were a perfect plane; but the effect of such an arrangement, where the ground is of irregular character, must necessarily be that of throwing streets into perhaps impassable places, and destroying all harmony, regularity, and beauty in the details of the plan. The great art, I submit, of laying out a town to advantage, consists in availing one's-self of the natural features of the ground; whereby not only may good taste and elegance be considered in the arrangement, but enormous trouble and expense are obviated, which otherwise must necessarily be incurred in building bridges over watercourses, reducing hills, and filling up hollows. This, I need not inform your Excellency, would have been the case to a very great extent in Auckland, had the plan been laid down on a sheet of paper without reference to the character of the ground. I have made these observations in order to show, that, in laying out the town of Auckland, no attempt was made at giving the allotments anything like an equal area, but that in this, as in all cases in which a town cannot be disposed in squares and parallelograms, the extent of the allotments must necessarily vary according to the arrangement of the streets and public thoroughfares. At the same time I endeavoured, in conformity with your Excellency's wishes, to avoid giving to the allotments a greater area than the nature of the ground and other circumstances rendered necessary; and therefore on the west side of the town, where the land is comparatively level, greater attention has been paid to uniformity. It will accordingly be found, by reference to the plan of the town, that almost all the allotments differ in extent; some are more, some less; but throughout the town very few indeed are so small as a quarter acre, and those few are only in particular spots, which, from their locality, were especially desirable, and likely to be eagerly and immediately sought after.

Precisely the same motives and principles guided me in the disposition of the allotments in Official Bay. Your Excellency is aware that the extent of land in that bay, really available for building, is small, and that the valley is surrounded by a very steep cliff or bank, on the side of which it is not only impossible to build, but which it required no little art and consideration to surmount by means of a street or road. The water-frontage in this part is not valuable, and can never become so but by a great outlay of capital, the water being so shoal and the coast trending so far back from Point Britomart, as to throw it very much further from the channel than Commercial Bay, as may be seen at once by reference to the plan. To persons who are aware that the whole line of coast from Point Britomart to Point Russell, is dry at low water to the extent of several hundred yards, the water-frontage will not appear of much value.

I must further observe, with reference to the question of water-frontage, that of the six allotments said to have been selected by government officers, two, namely, those in Shortland Crescent, have not been sold with water-frontage at all, but are bounded by Fort-street, although, until that street be formed, one of them may certainly be approached in a boat at high water; the other does not extend to the water, and is elevated on a bank probably 40 feet at least above the water level.

Of those in Official Bay, allotments Nos. 13 and 14 are situated on an almost perpendicular cliff, some 50 feet above the level of high water; No. 20 is nearly as elevated; and only a portion of the one allotment, No. 15, is available without considerable labour and expense.

Allotments 18 and 19 were sold to the highest bidders; and 16 and 17 are reserved for the Government, as the two best allotments in the bay, which they unquestionably are. The propriety of making such reserves of some of the best allotments in the town for the Crown, for public purposes, will, I presume, be questioned by no one.

It has been attempted to show that these allotments derive a great additional value from the circumstance of one of these reserves being intended for a dockyard. I, however, beg to deny being at all aware of any such intention, both because a dockyard is not likely to be required for very many years to come, and if it were, this is about the last place in which it would be desirable to place it. Mention has been made of frontage on the public quay, and an insinuation thrown out that such advantage was confined to these allotments. Your Excellency will, however, not fail to observe that the public quay is extended all round the town, and that, consequently, any advantage derived from easy access to it is equally participated in by all the allotments in the town which have frontages on the harbour. I submit, however, that it is rather a disadvantage than otherwise, inasmuch as the circumstance of a public thoroughfare passing in front of a wharf, deprives the owner of the private and exclusive use of that wharf, which is usually considered anything but desirable.

With respect to the other allotments occupied by the government officers, your Excellency is well aware that in all of them there was some difficulty, owing to the irregularity of the ground, in finding a spot on which to place a house; that in several cases expensive excavations were made before a house could be erected; and the house of one gentleman was removed twice, after having been erected. Had the allotments being smaller, they would have been unfit for the purpose for which they were intended, namely, as residences for the officers of the government, in immediate proximity to the scene of their duties, but retired from the commercial part of the town.

It may not perhaps be deemed improper here to observe, that the circumstance of my own allotment, No. 3, of section 8, being larger by one perch than the others, arose from my houses

houses having been erected before the allotments were marked off, and its becoming necessary to alter a little at one end, the direction of one of the lines in order to avoid a building.

The statement that these allotments are above the fair average value of the sections in which they are situated, I assert to be utterly without foundation. Of the waterside allotments the two best, Nos. 16 and 17, are reserved for the Crown; the two next, Nos. 18 and 19, were sold by auction, as were also Nos. 11 and 12, which are of at least equal value with Nos. 13 and 14. Of those not having water-frontages, the two best, Nos. 1 and 4, are reserved by the Crown; and of the remaining nine, but two were appropriated to Government officers. The statements which have been made respecting the great value of the allotments in this bay are equally devoid of truth. For commercial purposes they would not have been sought, nor will they become available for years, on account of the shallowness of the water, which renders them unapproachable for any mercantile purpose, until much labour and expense have been bestowed on the construction of wharfs and jetties. Had they all been submitted to public auction, they would have been sought after only by land-jobbers, for purposes of speculation; and, in all probability, not a house would have been erected, nor the slightest improvement made in any of them for a length of time. That which has indeed developed their capabilities, and stamped a value on these allotments, as well as on the adjacent lands, is the capital expended on them by the officers of the Government: and had the land remained in its primitive state, covered with an almost impenetrable jungle, at the time of the sale, I suspect that scarcely a bidder would have been found, and not one but for purposes of speculation.

Your Excellency is so perfectly cognisant of every circumstance connected with the appropriation of the land in question, that it would be almost presumptuous in me to attempt to recal them to your recollection. I, however, cannot avoid, in common justice to my brother officers and myself, respectfully adverting to our condition when we first arrived at this settlement, and the difficulties which, from various causes, arose in the way of our obtaining the object of our wishes, namely, a suitable spot on which to erect houses for ourselves and families. Your Excellency is well aware of the desolate condition of the settlement when first established; of the inconveniences and privations we many of us experienced during a residence of about eight months in tents in this wet climate; the length of time that elapsed before the question was settled; the feeling of soreness and discontent which (I need not attempt to conceal from your Excellency) arose from this delay, and from the apparent unwillingness to grant us what we could not consider in the light of a boon, because we always anticipated paying the full value for any land which the Government might allow us; the actual loss of property we encountered from being so long exposed to the weather, with no better shelter than tents and tarpaulins,—are all matters which your Excellency cannot fail to recollect. And surely, when all these circumstances are considered, and when it is made known that no fewer than nine houses, most of them expensive wooden ones, with proper offices, have been erected by the Government officers, several allotments fenced, and the sum of nearly 3,000*l.* added by these officers to the public chest, being at the rate of about 600*l.* per acre, a price which even in Sydney was never dreamed of until within these very few years past, when all these points are duly considered, I respectfully submit that it must in common fairness be conceded that we have barely received at the hands of the Government that consideration which we had reason to expect.

It is with the utmost deference that I submit these remarks, well knowing that had your Excellency's personal feeling alone been consulted in the matter, none of these difficulties would have arisen; and while we felt aggrieved by the act, we could not but admire and approve the principle in which it originated. But when it is unblushingly asserted that the Government has shown undue partiality to its officers, and that they have derived an unfair advantage from the very trifling concession, which with so much difficulty was yielded to them, I feel assured that your Excellency will pardon my adverting to circumstances, and reviving recollections which, whatever feeling they may have formerly engendered, have long since passed away and subsided into a conviction of the sound judgment no less than the kindly feeling by which your Excellency was actuated in the final settlement of the question.

I have, &c.

His Excellency Captain Hobson, R. N. (signed) *Felton Mathew*,
&c. &c. &c. Surveyor-General.

(No. 3.)

Sir, Surveyor-General's Office, Auckland, 30 July 1841.

I HAVE the honour to transmit herewith, for your Excellency's information, copies of the following documents, referring to a statement made by Mr. Dudley Sinclair, that he had obtained certain information respecting the suburban allotments in the vicinity of Auckland "from a surveyor," namely,

No. 1 *a*.—Copy of letter to Mr. Halls.
No. 2 *a*.—Copy of Mr. Halls' answer.
No. 3 *a*.—Copy of letter to Mr. Symonds.
No. 4 *a*.—Copy of Mr. Symonds' answer.

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I have considered it necessary to institute a rigid inquiry into this matter, in order to exonerate every officer of my department from the charge of gross breach of trust, which is implied by Mr. Sinclair's statement, and for the purpose also of affixing on the proper person the stigma arising from this most dishonourable transaction.

No. 5 *a*.

I have further the honour to enclose, for your Excellency's information, an original letter addressed by Mr. Sinclair to Mr. Halls yesterday, after an interview had taken place between the former and Mr. Symonds. This letter has been given up to me by Mr. Halls, in the most proper manner, in the presence of Dr. Gammie, of the 80th Regiment, in whose presence, yesterday evening, Mr. Halls taxed Mr. Sinclair with the conversation which had taken place between them on a former occasion, as detailed in Mr. Halls' letter to me (No. 2), and which Mr. Sinclair admitted to be correct. Dr. Gammie has confirmed to me what passed on the subject yesterday evening.

On the subject of Mr. Sinclair's letter, I feel it unnecessary to make one word of comment; it fully explains the whole transaction; and having, I trust, exonerated from blame the officers of my department, I leave the matter in your Excellency's hands. I may be permitted to observe, that I have much reason to be satisfied with the conduct of both Mr. Symonds and Mr. Halls in this affair.

I have, &c.

His Excellency Captain Hobson, R.N. &c. &c. &c.

(signed) *Felton Mathew*,
Surveyor-General.

No. 1 *a*.

Sir, Surveyor-General's Office, Auckland, 29 July 1841.

FINDING that Mr. Dudley Sinclair has surreptitiously obtained some information relative to the suburban allotments, before such information had reached me as the head of the survey department, it becomes my duty to call upon you, as an officer attached to that department, to state distinctly if any information whatever has been communicated by you, directly or indirectly, to Mr. D. Sinclair, regarding the allotments in question.

I have, &c.

(signed) *Felton Mathew*,
Surveyor-General.

Mr. J. Halls.

A true copy.

(signed) *Felton Mathew*,
Surveyor-General.

No. 2 *a*.

Sir, Auckland, 29 July 1841.

IN reply to your letter of this date, calling on me to explain if Mr. Dudley Sinclair had ever obtained any information from me relative to the suburban allotments, I have the honour to state, that a few days since, I met Mr. Sinclair accidentally, when he observed that he had made a stir about the suburban allotments, or words to that effect: I replied, "I am aware of that, as I find the surveyor-general has instructed Mr. Symonds to alter them; but how did you obtain your information?" "Oh!" Mr. Sinclair replied, "I saw the sketch on Mr. Symonds' table." "But how did you obtain the quantities?" I observed; Mr. Sinclair replied, "I guessed the rest." This was all that transpired on the subject; and I give my honour that Mr. Sinclair has obtained no information whatever from me.

I have, &c.

The Surveyor-General, &c. &c. &c.

(signed) *John Halls*.

A true copy.

(signed) *Felton Mathew*,
Surveyor-General.

No. 3 *a*.

Sir, Surveyor-General's Office, Auckland, 29 July 1841.

IN consequence of a statement made by Mr. Dudley Sinclair, that he had obtained some information "from a surveyor" relative to the suburban allotments, which had not at the time reached me, as the head of the department, and would consequently imply a gross breach of trust on the part of a public officer, I called on Mr. J. Halls, surveyor, to state if he had in any way been the means of communicating such information to Mr. Sinclair.

In

In reply, I have received a letter from Mr. Halls, of which the enclosed is a copy; and you will therein perceive, that from the statement made by Mr. Sinclair to Mr. Halls, the former obtained his information from you. It therefore becomes my duty to call on you to state to me distinctly, whether Mr. Sinclair's assertion be correct, and in what manner this information was really obtained.

I have, &c.

Mr. Assistant-Surveyor Symonds. (signed) *Felton Mathew*,
Surveyor-General.

A true copy.
(signed) *Felton Mathew*,
Surveyor-General.

No. 4 *a*.

Sir, Auckland, 29 July 1841.

In reply to your letter of to-day's date, in which you request to be informed whether Mr. Dudley Sinclair received any information from me relative to the suburban allotments, previous to their being forwarded to you, as the head of the department, I have the honour to inform you that I most positively deny having communicated in any manner, or at any time, with Mr. Dudley Sinclair, or put him in possession of the information alluded to in your letter, concerning the above-mentioned allotments.

I have, &c.

The Surveyor-General, &c. &c. &c. (signed) *Jermyn Symonds.*

A true copy.
(signed) *Felton Mathew*,
Surveyor-General.

No. 5 *a*.

(Private.)

Dear Sir, Auckland, Wednesday afternoon.

In my conversation with his Excellency, I by mistake let slip that some of my information I had obtained about the suburban allotments was from a surveyor. This morning Mr. Symonds called on me to know whether I had said I had got my information from himself or from a surveyor. I replied I had said, from a surveyor. He immediately said, "It must be from Mr. Halls." I said, "I shall not tell you who it was from." He immediately said, "Did you pay Mr. Halls for your information?" I replied that I never had any money passed between us in our lives.

I think it right to put you in immediate possession of this intelligence. I have not said you told me anything, and shall not; so you can contradict it if you like. I am afraid I have got you, quite unintentionally on my part, into a scrape. Do not tell, even if you know, how I got my information.

I am, &c.
(signed) *D. Sinclair.*

Mr. Mathew is very angry about it all.

Endorsement.—Can you call on me to-morrow morning.

John Halls, Esq.
&c. &c.

— No. 38. —

(No. 18.)

Copy of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 38.
Lord Stanley to Governor Hobson.
28 January 1842.

Sir, Downing-street, 28 January 1842.

I have received your despatch, marked "Separate," of the 31st of July last, relative to the complaint which had been made by Mr. Dudley Sinclair, of the manner in which the officers of your Government had been permitted to acquire allotments of land in the town of Auckland.

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In my despatch, No. 2, of the 24th of September last, I intimated to you that Her Majesty's Government could not recognize the titles to land so acquired; and I perceive nothing in your present despatch to justify a departure from that decision.

I am, &c.

(signed) *Stanley.*

—No. 39.—

(No. 41/18.)

No. 39. Governor Hobson to the Principal Secretary of State for the Colonies. 3 August 1841.

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House,

My Lord, Auckland, New Ulster, 3 August 1841.

I DO myself the honour to transmit an address from the inhabitants of Auckland to Her Majesty the Queen, which I have respectfully to request your Lordship will be pleased to present to Her Majesty.

In forwarding this address, allow me to express to your Lordship how highly I appreciate the honour in being selected to convey to Her Majesty the sentiments and feelings of Her loyal and affectionate subjects in this remote part of Her Majesty's dominions.

I have, &c.

(signed) *W. Hobson.*

Encl. in No. 39.

Enclosure in No. 39.

TO the QUEEN'S Most Excellent MAJESTY.

May it please Your Majesty,

WE, the undersigned, the governor, magistrates, and civil and military officers of the colony of New Zealand, and other inhabitants of Auckland, its capital, approach Your Majesty with our unanimous congratulations upon the birth of a Royal Princess; and hail, with the ardent hopes of loyal subjects, the additional security which this happy event affords, that the Imperial Crown of Great Britain will ever descend in a family illustrious as the firm supporters and promoters of civil and religious liberty.

Impressed with a grateful sense of Your Majesty's gracious views and intentions in the establishment of Your Sovereignty in and over the islands of New Zealand, and of Your benign consideration for the welfare, not only of the aboriginal inhabitants, but of its European settlers, we most humbly beg permission to express our heartfelt thanks for the boon of Your Majesty's Royal Charter and Commission erecting this colony into an independent and separate portion of Your dominions, and affording to its first Governor and Legislative Council the power and authority of providing for the local interests of this community, and granting, for the benefit of Your Majesty's subjects in this remote part of Your territories, an increased facility of forwarding civilization, and promoting its commercial and agricultural prosperity.

In thus tendering to Your Majesty the humble and dutiful expression of our congratulations and thanks, we venture to assure You that no exertion in our power shall be wanting in rendering this colony a loyal, peaceable, and prosperous possession of Your Majesty's Crown.

Upon this happy anniversary of Your Majesty's birth day, we offer our sincere wish that You may be blessed by Divine Providence with a long and glorious reign, and enjoy together with Your Royal Consort, that happiness which it is our daily and fervent prayer the Almighty may shower down upon You.

[163 Signatures.]

—No. 40.—

(No. 14.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 40. Lord Stanley to Governor Hobson. 20 January 1842.

Sir, Downing-street, 20 January 1842.

I HAVE to acknowledge the receipt of your despatch of the 3d of August last, No. 41/18, transmitting an Address to the Queen, from the inhabitants of Auckland, on the birth of the Princess Royal.

I have had the honour of laying that address before Her Majesty, who was pleased to receive it very graciously.

I have, &c.
(signed) *Stanley*.

—No. 41.—

(No. 41/2.)

COPY of a DESPATCH from Governor *Hobson*, to the Principal Secretary of State for the Colonies.

No. 41. Governor Hobson to the Principal Secretary of State for the Colonies. 4 August 1841.

Government House, Auckland,
My Lord, 4 August 1841.

ALTHOUGH your Lordship has doubtless been informed by Sir George Gipps of the agreement I entered into with James Reddie Clendon, Esq. for the purchase of his property at the Bay of Islands, I nevertheless now beg to submit to you copies of all the documents connected with that transaction, including the minute of the Executive Council, under date the 10th June last, in order that your Lordship may be put at once in possession of the necessary information to enable your Lordship to form an opinion on the propriety of my proceedings.

Referring to Enclosure, No. 2, which explained to Sir George Gipps the causes which impelled me to depart from the strict and rigid rule of official routine in making a purchase of such magnitude without the consent of my immediate superior, I beg leave in my own vindication to say, in addition to the causes therein stated, that I was totally uninformed of the measures contemplated by Sir George Gipps; and that I was quite unaware that I was then or ever should be in a condition to assert a right on behalf of the Crown to any position which was adapted for a township. It was a subject on which I had no instruction, and all I could collect from colloquial communication with Sir George Gipps on the subject of the recognition of claims to land in this country was, that "all improved property, with a good belt of land round it, would certainly be recognised." Mr. Clendon's property stood exactly in that condition. Had I found any situation suited for a town, which was neither improved nor inhabited, with my own imperfect knowledge of the case, I would have taken possession of it on my own responsibility, trusting to your Lordship to grant adequate compensation to the owners.

Your Lordship, I presume, is aware that Sir George Gipps disapproved of my proceeding, and that his Excellency refused to insert my advertisement to sell the land in October 1840, in the New South Wales Government Gazette. This being a virtual prohibition to the sale of the land (the insertion in the Gazette being necessary to give validity to the sale), I was deprived of the means I had proposed for paying Mr. Clendon the stipulated price. Thus situated, I again applied to Sir George Gipps to make some payment to Mr. Clendon, who was greatly embarrassed by the disappointment which resulted from my non-payment of one thousand pounds (1,000*l.*) promised in the original agreement in October. His Excellency replied that he saw no reasonable objection to my paying a fair rent for the stores and premises, which have been for the last 18 months of the highest value to the Government.

Accordingly, when this colony was detached from New South Wales, I deemed it my duty, both in justice to Mr. Clendon, and for the honour of the Government, to bring the matter to a speedy adjustment; and I submitted to the Executive Council the propriety of granting, at the usual rate of interest in this

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country, a sum of money amounting to two thousand three hundred pounds (2,300*l.*) as rent for the 18 months for the stores, wharves, dwelling-houses, and other premises that had been used in the Government service at Russell, and to give Mr. Clendon a maximum grant of land according to the provision of the Act of Council 4 Vict. No. 7, in compensation for the land, buildings, &c. at that place, for the details of which I have the honour to refer you to the minutes of council, copies of which are enclosed.

I approach this subject with some degree of diffidence, having already met with a disapproval from my official superior; but I trust that your Lordship will view with indulgence any part of this transaction which may not exactly accord with your opinions, and give me credit for acting with due solicitude for the public welfare in the difficult position in which I was placed, and, finally, I trust your Lordship will approve of the steps I have taken for its final adjustment.

I have, &c.

(signed) *W. Hobson.*

Encl. 1, in No. 41.

Enclosure 1, in No. 41.

Bay of Islands, New Zealand,
23 March 1840.

Sir,

In conformity with the verbal instructions which I received from His Excellency the Lieutenant-governor, I have employed myself pending the arrival of the store-ship, in minutely examining the Bay of Islands with a view of ascertaining its capabilities, and determining the most eligible site for a settlement.

Although from its geographical position, no less than from the very rugged and impracticable character of the country in its immediate vicinity, the Bay of Islands cannot be regarded as an eligible spot for the principal settlement or capital of this island; yet it is evident from the numerous European population congregated there, and the extent of capital already employed in its immediate vicinity, as well as from the circumstance of its being the resort of so large a number of whaling ships, both English, French, and American, that no conceivable circumstances can retard its improvement, or prevent it from becoming, as a port, a place of primary importance. It is therefore absolutely necessary that an establishment should be formed by the Government; and my attention has accordingly been earnestly directed to the most practicable mode of carrying the object of the Government into effect, and to determining the most desirable spot for the purpose; the difficulty of deciding this question being necessarily much augmented by the circumstance of all the land in the vicinity of the Bay being already in the hands of Europeans.

I have now the honour to lay before you, for the consideration of his Excellency the Lieutenant-governor, the result of a very minute examination of the Bay, and a very attentive consideration of the matter in question.

The principal, and indeed the only settlement yet formed in the Bay of Islands is at "Kororarika," a small bight which is shown on the Admiralty chart; and to this point my attention was in the first place directed, as being the spot in which the majority of the present European population is concentrated. It is, in my opinion, open to many formidable objections, which unfit it for a principal settlement, and preclude the possibility of its ever becoming a place of other than secondary importance.

The water, in approaching the beach, is very shallow, so that it is impossible for even small vessels to approach within a considerable distance of the shore, which is fully exposed to the north and north-westerly winds, and on which there is frequently so much surf as to render it difficult, if not impossible for a boat to effect a landing. The extent of land which it would be possible to render available for building purposes, is absolutely insignificant; and it is already in the hands of so many private individuals, by whom it has been sold and resold, divided and sub-divided, that it would be extremely difficult for the Government to respect the claims of these individuals, however well founded, and at the same time obtain a portion of land of sufficient extent for the purposes for which the Government would require it. While on this subject, I have, however, to press on the attention of his Excellency the Lieutenant-governor, that although the local disadvantages of Kororarika altogether unfit it, in my opinion, for the principal settlement in the Bay of Islands, yet that as there can be no doubt of its rapidly improving and advancing to a certain stage of prosperity, the interposition of the Government is absolutely necessary in order to insure a due degree of regularity in the laying out of the town, and to prevent the encroachments, obstructions, and nuisances which will, otherwise, perpetually occur. The number of houses already erected and in progress does not, I think, exceed forty, or perhaps fifty; these are wholly of wood, and few of them at all durable. The influx of strangers, and the consequent demand for buildings is, however, so considerable, that I apprehend much difficulty may arise in the proper arrangement of the streets and public ways, unless some immediate steps be taken by the Government for this purpose; the measure which I would beg to suggest is this, that the Government should take possession, without respect of persons,

persons, of the whole of the land available for the purpose, and when a town has been laid out on an approved plan, that the claimants shall receive allotments in proportion to the extent of their claims, a fair and equitable deduction being made from each for streets, &c. and respect being had as far as may be practicable to the locality of their several allotments; there can be no doubt that such an arrangement as this, by substituting broad and well-formed streets for narrow and irregular byeways, and by the many other obvious advantages which it presents, would materially tend to enhance the value of property in the town, and I have reason to believe that it would prove satisfactory to the proprietors generally.

At the same time I have no doubt that the Government will be enabled, by negociation with the native chiefs, to obtain possession of a considerable extent of land, comprising the most important part of the frontage on the bay, and in the very centre of the town, which still remains in possession of the natives, and which when properly disposed, will afford ample space for the erection of all necessary Government buildings, and at the same time leave a number of very valuable allotments for sale.

I have considered it my duty to draw the attention of his Excellency the Lieutenant-governor to this subject, because I consider it one of paramount importance; and as I observe, that towns are, or profess to be, laid out and allotments sold, at the will and pleasure of individual speculators, I am desirous of being informed if it be the intention of the Government to recognise the right of private individuals to dispose of their property in this manner, or whether it will not be considered necessary to interfere, in order to prevent the laying out of any towns or villages, excepting under the control and direction of the Government.

The spot which next demanded my attention was that portion of the land claimed by Mr. Busby, on which his present residence stands; bounded on one side by the bay, and on another by the Waitangi river, and which it appears that gentleman has laid out for a town, under the name of Victoria, several allotments having been already sold.

The land itself is more level and suitable for building than any other spot in the Bay of Islands, but it is fully exposed to almost every wind that blows, it is open to the full set of the sea, and its shore is surrounded by a most dangerous shoal, extending many hundred yards from the land, which renders it perfectly inaccessible to ships, and nearly so to boats, unless the weather be perfectly fair and calm. The river itself is very shoal, and the only practicable channel very narrow and precarious; this spot does not present one solitary advantage as a site for a settlement.

Proceeding up the harbour, I examined its shores on either side without finding any suitable locality, the land being in all cases too broken and precipitous, and the water too shallow to admit of vessels approaching it. Nearly at the head of the anchorage, however, there is a spot belonging to Mr. Clendon, American Consul, which after a most minute and careful examination, both by land and water, I can confidently assert to be the only spot in the Bay of Islands which is at all suitable for a settlement, or calculated for the purposes of the Government. It is distinguished on the Admiralty chart as Point Omata; the water along a large portion of its boundary is so deep as to admit of ships lying almost close in shore, and an extensive line of wharfs and quays may be constructed at a very moderate expense. This part of the harbour, moreover, being land-locked, presents the best and safest anchorage. The land rises less abruptly from the shores than is common in the Bay of Islands, and there is a considerable extent of undulating ground highly favourable for the laying out of a town. There is abundance of fresh water, firewood, and brick earth, and its position on the southern shore of the harbour, and just at the junction of the Kawa Kawa river, presents peculiar advantages for internal communication, either by land or water. The Kawa Kawa I have examined for a distance of some miles upwards, and I find a clear and unobstructed channel, having a depth of water of one fathom at least, at low water.

The land claimed by Mr. Clendon, and of which he has been in possession upwards of eight years, is supposed to comprise something more than 300 acres. I have most carefully examined every part of it, and although the back-land is rugged and precipitous, there is a much larger portion of it level than I have yet seen in the Bay, and fully sufficient to afford space for a very pretty and convenient town. There are on the land a very comfortable cottage with suitable buildings, an extensive and substantial store office, smith's shop, boat-builder's shed, &c., the whole of which are in good repair, and would be immediately available for the purposes of the Government. The circumstances of the whole of this property being in the hands of one individual, whose claim to it is, I believe, indisputable, would render it peculiarly easy of attainment; and from the conversation I have had with Mr. Clendon, I am induced to believe, that if the Government were disposed to form a settlement on his land, he would meet their views on perfectly fair and equitable terms.

Taking therefore, into consideration the incalculable advantage which the Government would derive from the possession of a spot, the sale of which in town allotments, would afford an immediate and very considerable revenue; the expense which would be saved in the erection of the different buildings required by the Government, and which in the present scarcity of materials would be very great; the circumstance also of this affording the only spot in the Bay of Islands which is at all eligible for the purpose, I cannot but express a decided opinion that the purchase of this land from Mr. Clendon, on anything like fair and reasonable terms, would be highly advantageous to the Government; that the outlay of money would be covered by the first sale of town allotments, and that the completion

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of the measure would lay the foundation of a very important, populous and flourishing settlement.

The buildings would afford ample accommodation for the residence of a police magistrate, a store, barrack-hospital, mechanics' workshops, and indeed every convenience which can be for some time required. Should his Excellency think favourably of the suggestion which I have the honour to offer, and concur in the views which I have taken, I have the honour to request that I may be authorised to treat with Mr. Clendon for the purpose of attaining the object in question.

Conceiving that I shall best discharge my duty to Her Majesty's Government, and most effectually promote the object which his Excellency has in view, by at once bringing to bear all the information which I have been enabled to collect with regard to the Bay of Islands, and its position as regards the northern interior of the island; I cannot conclude this Report without adverting to the means of communication between it and the fertile and valuable districts of Waimate and Hokianga, between which places and the bay much intercourse already takes place. The existing road to both those places is practicable only for a horse, and could not be rendered a good and permanent line, excepting at a very great expense; added to which, I feel satisfied of its being an erroneous one, and am very sanguine of finding both a nearer and a better.

A very desirable means of communication with this country is opened by the river Kerikeri, which is navigable for large boats as far as the falls at the missionary station, and from whence a good cart-road extends to Waimate.

If a sufficient quantity of land were obtained by the Government, and reserved for a small town or village, it will eventually form a depôt for the produce of the whole fertile agricultural district of Waimate; and, if in connexion with this, another tract of land were obtained for a similar purpose in the Bay of Tissuce, or Tipoonah, I anticipate that many whaling vessels would resort to this bay in preference to the more open roadstead in front of Kororarika. At present, however, it is little known, on account of its distance from Kororarika, hitherto the only place from whence supplies could be procured.

A considerable extent of gently undulating land, well supplied with fresh water, and well adapted for the purpose I have mentioned, lies about a mile above the junction of the Keri-keri, on the opposite side of the bay. The land is bounded on one side by a creek, navigable for a short distance, and at a point near the mouth of the creek there is four fathom water close in shore.

The whole of the upper part of the Bay of Tipuna presents a splendid anchorage; it is land-locked, and with depth of water which will admit of a large vessel lying almost close to the rocks.

The land in both of the situations which I have alluded to, belongs I am told to the Church Missionary Society; I should apprehend therefore, that no difficulty can possibly exist in obtaining such a quantity as the Government may require for the purpose which I have pointed out.

Considering that it would be most in accordance with the views of his Excellency the Lieutenant-governor that he should be at once put in possession of all the information I have collected from personal observation connected with the Bay of Islands, and the opinions I have adduced therefrom, I have considered it desirable to present them in one connected Report, which I trust may be found satisfactory to his Excellency, and beneficial to the public service.

I have, &c.
(signed) *Felton Mathew*,
Surveyor-general.

Enclosure 2, in No. 41.

Sir

Paihia, 21 April 1841.

Encl. 2, in No. 41.

With reference to my letter of yesterday's date, informing your Excellency that I had entered into a preliminary agreement to purchase the lands and buildings belonging to Mr. Clendon, I think it right to inform your Excellency of my reasons for incurring so great an expense without first obtaining your sanction.

The great importance of the Bay of Islands, both as regards its trade, and the enlightened condition of the numerous native population around it, renders it imperative that a town exclusively under the influence of Government should be established on its shores.

After a strict examination of the Bay of Islands by Mr. Mathew, it was determined that the only eligible seat for a township was the land which had been improved and built upon by Mr. Clendon. It so happened that Mr. Clendon, well aware of this fact, had surveyed and laid out a town which he had actually commenced selling. Owing to a report that had been industriously circulated that I intended to fix the seat of Government on Mr. Busby's land, he only succeeded in parting with a few allotments. However, the falsehood was soon discovered, and the property was again in the market; but before he would resume the sale by auction, he renewed his offer to me, demanding 23,000 *l.* for the property.

On the arrival of the Westminster, the necessity for fixing on a settlement became more urgent. The ship was retained in the service of Government at an expense of 20 *l.* per diem. There was not a spot in the bay on which I could disembark the workmen or stores that was not already in the possession of Europeans. Under these circumstances I was induced

induced to negociate with Mr. Clendon, who after some difficulty reduced his terms to 15,000 *l.*, but would by no means consent to suspend the sale of his allotments until reference could be made to your Excellency.

I was therefore reduced to the alternative, either of buying it at once, or of surrendering the advantage of this valuable site for a town.

Impelled by these circumstances, which were rendered more urgent, as I have before observed, by the accumulating expense of the Westminster, for the cargo of which no storage could be obtained, I consented to the terms that are submitted in my letter of yesterday.

I trust the necessity of the case will justify the measures I have adopted. I feel confident I have not made an improvident bargain. I have cautiously worded my agreement, so as not to embarrass the Commissioners in the settlement of the land question, and I have provided for the establishment of every branch of the Government in a respectable and efficient manner.

I have, &c.

His Excellency Sir George Gipps, Governor, &c. &c. &c.

(signed) *W. Hobson.*

Enclosure 3, in No. 41.

Encl. 3, in No. 41.

ARTICLES of Agreement entered into the 25th day of April, in the Year of our Lord 1840, between *James Clendon*, of Okiato, Bay of Islands, Esquire, of the one part, and *W. Hobson*, Post Captain in the Royal Navy, and Lieutenant-governor of the Colony of New Zealand, on behalf of Her Majesty Alexandrina Victoria, Queen of Great Britain and its Dependencies, of the other part.

IT is hereby agreed, by and between the said parties to these presents, that the said James Clendon shall sell (subject nevertheless to the proviso hereinafter mentioned) unto the said W. Hobson, his successors and assigns, on the behalf of Her Majesty Alexandrina Victoria, Her successors and assigns, all that piece of land and hereditaments situate at Okiato aforesaid, containing by admeasurement 300 acres of land, more or less, together with all messuages or tenements, buildings, and stores thereon erected; and all that piece of land immediately adjoining the aforesaid property, and containing by estimation 80 acres, more or less, at or for the price or sum of 15,000 *l.* sterling; and the said James Clendon shall give up the possession of the whole of the said pieces of land, and the messuages and buildings, on the 1st day of May 1840; and the said W. Hobson, his successors and assigns, shall and will pay (subject nevertheless to the proviso hereinafter mentioned) unto the said James Clendon, his heirs, executors and assigns, the sum of sterling, in manner following; that is to say, 1,000 *l.* to be paid on the said W. Hobson, his successors or assigns, taking possession of the said piece of land and hereditaments, messuages and tenements; the further sum of 1,000 *l.* to be paid on the 1st day of October 1840, and the remainder of the said sum of 13,000 *l.*, to bear interest at 10 per cent. per annum, the first half-year's interest to be made payable on the 1st day of April 1841: and it is hereafter further agreed, that the said W. Hobson, his successors or assigns, shall have the option of paying off the whole or any part of the remainder of the said purchase-money, by giving to the said James Clendon three months' notice to that effect; provided always, that nothing hereinafter contained shall make this agreement binding on the said W. Hobson, his successors or assigns, in case the title of the said James Clendon shall not be approved of by Her Majesty's Court of Claims, to be hereinafter established in New Zealand. In witness whereof, the said parties to these presents have hereunto set their names and seals, the day and year first within written.

(signed) *W. Hobson.*
James R. Clendon.

Sealed and delivered, in the presence of,
(signed) *Willoughby Shortland,*
Colonial Secretary.

Enclosure 4, in No. 41.

Encl. 4, in No. 41.

COPY Minute.

Thursday, 10 June 1841.

HIS Excellency brought under the notice of the Council the case of Mr. James Ready Clendon, who had applied for payment of the second instalment due to him for the property purchased at Russell, and for the interest on the remainder according to his agreement. Upon consideration,

It was agreed, That a compensation be given to Mr. Clendon of a grant from the Crown of 30 acres for each acre given up at Russell, and a year and a half's rent at the rate of 1,500 *l.* a year, amounting, after deducting 1,000 *l.* sterling already paid, to the sum of 1,250 *l.*

NEW ZEALAND.

Tuesday, 29 June 1841.

THE case of Mr. Clendon was again laid before the Council, by his Excellency the Governor, when it was resolved,

That Mr. Clendon's claim be referred to the land commissioners, for immediate hearing, determination, and report thereon, under the ordinance, and to instruct the commissioners, if they report in favour of Mr. Clendon's title, that they are to allow him in compensation at the rate of 30 acres for every ascertained acre of the land reserved by government for the township of Russell. Upon this report Mr. Clendon may select the whole land so to be allowed as compensation, in one block from government land, subject to the Governor's approval, and a survey of such land will be made as early as possible, after which Mr. Clendon will be entitled to his grant; the land, however, is to be selected under any land regulations which the Secretary of State may direct to be enforced, or which the Governor may establish. Mr. Clendon's selection to be considered as the first Colonial Land Order.

Ordered, That the clerk of the Council do furnish Mr. Clendon with a copy of the above minute.

Saturday, 3 July 1841.

HIS Excellency the Governor laid before the Council the following letter from Mr. Clendon, relative to the completion of the arrangement for the purchase of Russell, which had been addressed to the clerk of the Council:—

Dear Sir, Friday Morning, 2 July.

Referring to the copy of minute stating that I may select the land that may be awarded to me by the commissioners in one block, will you do me the favour to ascertain from the Governor and Council whether I am to understand that should the land so selected not contain the quantity I am entitled to, that I may make up the deficiency from another position.

James Coates, Esq.

I am, &c.
(signed) *James R. Clendon.*

Upon consideration it was resolved that a copy of the following decision should be forwarded to Mr. Clendon for his information:—

Resolved, That in the event of one block not containing the whole quantity of land awarded as compensation for the land at Russell, Mr. Clendon will be entitled to select the remaining portion from other block or blocks, subject of course to any land regulations which the Secretary of State may direct to be enforced, or which his Excellency may hereafter establish.

Mr. Clendon having been called in before the Council, and a copy of the minute being read, handed to the clerk the following letter, accepting the offer of the Council, which was ordered to be entered on the minutes:—

Sir, Auckland, 2 July 1841.

I do myself the honour to acknowledge the receipt of your letter dated 30 June, enclosing copy of minute of his Excellency the Governor in Council relative to my claim to land at Russell, Bay of Islands, and to the proposed compensation to be allowed me for the land and buildings delivered by me to the government for its use at that place, and I have to request that you will lay before his Excellency and the Council my acquiescence in that arrangement.

I have, &c.
(signed) *James R. Clendon.*

True Copy, Extra.
J. Coates, Clerk of Council.

— No. 42. —

(No. 35.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 42. Lord Stanley to Governor Hobson. 10 May 1842.

Sir, Downing-street, 10 May 1842.

I HAVE to acknowledge the receipt of your despatch, No. 41/2, of the 4th of August last, with various documents, on the subject of the purchase by the government of New Zealand from Mr. J. R. Clendon, of a portion of land in the Bay of Islands for government purposes.

I have attentively considered the circumstances connected with this transaction, as stated in your despatch, and I am of opinion that the information which you furnish on the subject is not sufficient to remove the *primâ facie* impression, that in this transaction you have exceeded the proper limits of the discretionary authority vested in you. I see no sufficient proof that land adequate to the purposes of government might not have been obtained at that part of the Bay of Islands where the settlement is already established, nor that it might

might not have been procured of Mr. Clendon himself, without entering upon so unnecessarily a large transaction on the part of the government. I admit, however, that the balance of evidence would show that the spot selected possesses natural trading advantages superior to those of the existing settlements. I observe that by the second agreement made with Mr. Clendon, it is arranged that a rent should be paid to him for the use of his property for 18 months, and that he should receive 30 acres of Crown land for every acre which he had given up. In carrying out this agreement, however, the following conditions should be strictly enforced; first, that the land granted to Mr. Clendon should be country land, and contain neither town nor suburban allotments; and secondly, that it should, to the fullest possible extent, be comprised in one block, to be taken subject to all the regulations of the colony in respect of shape, frontage, &c., and to have only the outer boundary marked out. Upon the first point nothing is said in the agreement; but I cannot doubt, although Mr. Clendon's authority to select is to have precedence of all colonial land orders, that country land can alone have been intended. On the second point, it is stated in the arrangement, as at first expressed, that the land shall be taken in one block; but when Mr. Clendon requests that if the land he chooses does not contain the whole quantity, he may be allowed to select the remainder in another locality, the Executive Council agree that in the contemplated contingency Mr. Clendon shall be entitled to select the remaining portion from other block or blocks. This would give too great latitude of selection, and would defeat the object for which the restriction to one block is confined in similar cases, viz. to compel the purchaser of large tracts to take the good and the bad together. Mr. Clendon cannot, therefore, under the agreement, select his land where either previous proprietary rights or natural impediments prevent his taking the whole quantity in one block; or if any relaxation in this particular be allowed as having been already promised, it should at least not be carried to such an extent as to defeat the positive and express intention of the original agreement.

My objection is so strong in principle to the colonial government entering into any of the prevalent land speculations, that had this transaction been of a recent date, and had it been possible to communicate the decision of Her Majesty's Government within a limited time, I should, even in the present state of the case, have directed the disallowance of the agreement; but looking to the irregularities which have characterized the whole settlement of New Zealand, and to the necessity under which you are placed of taking care that the most advantageous sites are not monopolized by powerful private land companies; considering, also, that beyond the rent which has been paid for the land, it is not intended to make any demand for an actual outlay of money, and consequently that no embarrassment to the funds of the colony will result from the purchase; and further, that a disallowance of the transaction now would probably lead to much confusion and difficulty, Her Majesty's Government will not withhold their sanction to the proceeding, subject to the regulations above laid down, to which, of course, Mr. Clendon will be bound to assent.

I have to direct that the land of which the Government have thus become possessed, shall be as speedily as possible brought into the market; and that out of the first proceeds you reimburse to the Colonial Treasury the sum expended for rent, before any deduction is made in favour of emigration or any other purposes.

You will understand that you are positively prohibited in future, under any circumstances, from purchasing land from any individuals without the previous sanction of Her Majesty's Government. In the present case the previous disallowance of the transaction by the Governor of New South Wales, very much increases the responsibility which you have taken on yourself.

I am, &c.

(signed) *Stanley.*

NEW ZEALAND.

No. 43.
Governor Hobson to the Principal Secretary of State for the Colonies.
5 August 1841.

— No. 43. —

(No. 41/16.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland,
5 August 1841.

My Lord,

2 Enclosures.

I HAVE the honour to enclose a Government Gazette, showing the result of the land sale of the 19th April, in which 119 allotments, containing 44 acres, sold for the gross sum of twenty-four thousand two hundred and seventy-five pounds, seventeen shillings and ninepence (24,275*l.* 17*s.* 9*d.*), being at the average of 555*l.* per acre, nearly, full reports of which have been forwarded to Sir George Gipps, who was then my official superior.

In drawing your Lordship's attention to this subject, I have the honour to acquaint you that on the 12th day of April, 89 suburban or cultivation allotments were advertised for sale by auction in the immediate vicinity of this town.

Upon the subsequent receipt of your Lordship's instructions on the 30th April, which superseded those of Lord Normanby, under which I previously acted, I immediately postponed the intended sale of allotments from the 12th July to the 1st September, in hopes of receiving by that period further instructions on this subject.

Under these circumstances your Lordship will perceive that I was placed in the unpleasant dilemma of departing from your express commands, or of inflicting a severe injury on the inhabitants of this town, by withholding from them for an indefinite period the means of providing for themselves the common necessaries of life, and of occasioning considerable pecuniary loss and inconvenience to persons who might have made arrangements for purchasing these lands at the forthcoming sale.

Having already experienced, in the case of the town of Russell, the mischievous effect of annulling a sale which had once been advertised, I could not help pausing ere I again exposed the faith of the Government to the blighting effect of doubt.

The outcry on the former occasion was most violent, and in this it would be reiterated with tenfold vehemence, owing to the increased inconvenience that would result to those who had resolved to settle in town, or who had already bought allotments there. Governed by these circumstances, I resolved to bring the matter before the Executive Council, and fairly put the question to them whether they considered your Lordship would better approve of a slight departure from your orders, or of the alternative which would inflict so much present inconvenience and pecuniary loss on the settlers of this town and neighbourhood.

The Council were unanimously of opinion that your Lordship would consider the absolute wants of the colonists as paramount to all other considerations; and advised me accordingly to sell the few allotments I had advertised; fixing the upset price at such a rate as to deter any one from purchasing, except those who were likely to become *bona-fide* settlers, and who would, by their presence and their industry, promote the health and comfort of the inhabitants of the town generally.

I should be sorry to convey to your Lordship, by any reasons I have assigned for my proceeding, the idea that I was wholly unprepared for your Lordship's instructions in regard to the sale of land in this colony, the fact being otherwise. I did fully believe that your Lordship would deal with the lands of New Zealand as you had done with those at Port Phillip; and I determined accordingly to confine my operations to a space of five miles around this town, that I might not embarrass any arrangements your Lordship might establish.

It might be supposed that the settlers would be better pleased to obtain their lands near the town at a fixed price, on so low a scale as that which your Lordship seems to contemplate.

I much fear that this theory, when brought into practice, will prove beneficial to jobbers only, who, devoting their whole attention to that one object, will afford

afford no chance of competition to industrious settlers, or to persons unacquainted with official business.

As a proof to your Lordship how the system of fixed prices would have affected the financial concerns of this colony in the sale of Auckland, I enclose the copy of an application forwarded to me by Mr. ———— which, had the fixed system been in operation, would have engrossed 60 town allotments for the benefit of himself and his friends, persons who can have no idea of settling in New Zealand; and if he had had the earliest selection, which from his activity in these matters he most probably would have had, he, and those he represents, would have realized from 20,000*l.* to 25,000*l.*

Even as the case stands, and high as the land sold, Mr. ———— and others have made considerable sums by the re-sale of choice allotments.

The sale by lot is subject to less objection, because it offers no exclusive advantage to jobbers, or to the officers of the Government, who might profit by their early knowledge of land to be sold, especially at the commencement of the system.

I object, however, to this method of gambling, which encourages jobbing instead of colonizing.

I hope I have not intruded my opinions too far, on subjects which your Lordship has probably decided, but I have taken the liberty of impressing these examples on your Lordship's notice, whilst there remains an opportunity of modifying a plan that admits of practices which I consider to be in the highest degree prejudicial to the interests of the colony.

I have, &c.

(signed) *W. Hobson.*

Enclosure 1, in No. 43.

Encl. 1, in No. 43.

THE TOWN ALLOTMENTS advertised in the Government Gazette, by the Notice, dated 25th February 1841, have (exclusive of Lots 1 to 3, 13, 15, 32, 37, 46, 47, 63, 70 to 73, 78, 79, 81, 82, 85, 92 to 96, 99, 101, and 130, which have been reserved) been sold to the under-mentioned Parties, by Auction, on the 19th and 20th April 1841, and the Price affixed to each respectively has been received, with the exception of the amount of the Balance on sundry Lots to be paid in Sydney.

Lots.	TOWN.	EXTENT. A.	R.	P.	PURCHASERS.	PRICE. £.	s.	d.
4	Auckland	0	0	35	Simmons, Weston & Co.	245	–	–
5	Ditto	0	0	38	James Williamson	266	–	–
6	Ditto	0	1	1	William M'Donald	176	6	–
7	Ditto	0	1	2	Edward Costly	195	6	–
8	Ditto	0	1	3	Frederick Whitaker	182	15	–
9	Ditto	0	1	4	Moses Josephs	200	4	–
10	Ditto	0	1	9	J. C. Crawford	196	–	–
11	Ditto	0	1	16	James O. B. Croker	240	16	–
12	Ditto	0	1	25	Robert Tod	321	15	–
14	Ditto	0	1	19	Willoughby Shortland	315	13	–
16	Ditto	0	1	34	Henry Tucker	299	14	–
17	Ditto	0	1	13	Want & Andrews	159	–	–
18	Ditto	0	0	32	Ditto	128	–	–
19	Ditto	0	0	32	Ditto	102	8	–
20	Ditto	0	0	32	Ditto	161	12	–
21	Ditto	0	1	4	Mrs. Ann Tod	442	4	–
22	Ditto	0	1	4	Moses Josephs	253	–	–
23	Ditto	0	1	4	William Mason	202	8	–
24	Ditto	0	2	10	Dudley Sinclair	450	–	–
25	Ditto	0	2	3	Moses Josephs	365	4	–
26	Ditto	0	1	34	Brown & Campbell	314	10	–
27	Ditto	0	1	27	Henry Thompson	314	18	–
28	Ditto	0	1	20	George Graham	270	–	–
29	Ditto	0	1	20	Robert Field	123	–	–
30	Ditto	0	1	14	James Watson	226	16	–
31	Ditto	0	1	7	Willoughby Shortland	155	2	–
33	Ditto	0	1	14	Patrick Donovan	172	16	–
34	Ditto	0	1	9	Alexander Kennedy	213	3	–
35	Ditto	0	1	19	New Zealand Banking Company	295	–	–

(*continued*)

NEW ZEALAND.

Lots.	TOWN.	EXTENT. A. R. P.	PURCHASERS.	PRICE. £. s. d.
36	Auckland	0 1 19	George Cooper (a)	253 14 –
38	Ditto	0 1 20	Samuel A. Wood	318 – –
39	Ditto	0 1 32	I. Lord & J. Brown	201 12 –
40	Ditto	0 1 9	Ditto	144 11 –
41	Ditto	0 1 9	William Kendal & Samuel Marks	124 19 –
42	Ditto	0 1 12	Francis Hamilton	135 4 –
43	Ditto	0 1 16	Edward Costley	137 4 –
44	Ditto	0 1 26	Charles O'Neile	132 – –
45	Ditto	0 1 36	J. C. Crawford (a)	178 12 –
48	Ditto	0 2 5	I. Lord & J. Brown	255 – –
49	Ditto	0 1 29	Felton Mathew (a)	127 13 –
50	Ditto	0 1 32	Alexander Hepburn	147 12 –
51	Ditto	0 1 5	John Cunningham	168 15 –
52	Ditto	0 1 4	Gilbert F. Dawson *	
53	Ditto	0 1 4	James Coates (a)	228 16 –
54	Ditto	0 1 6	Peter Williams	184 – –
55	Ditto	0 1 5	I. Lord & J. Brown	213 15 –
56	Ditto	0 1 5	Henry Thompson	227 5 –
57	Ditto	0 1 5	Felton Mathew (a)	227 5 –
58	Ditto	0 1 5	Ditto (a)	227 5 –
59	Ditto	0 1 5	I. Lord & J. Brown	225 – –
60	Ditto	0 1 5	Ditto	229 10 –
61	Ditto	0 1 5	J. C. Crawford (a)	236 5 –
62	Ditto	0 1 8	Heale, Sinclair & Co. (a)	254 8 –
64	Ditto	0 1 7	George Cooper (a)	143 7 –
65	Ditto	0 1 7	William Greenwood	145 14 –
66	Ditto	0 1 11	I. Lord & J. Brown	191 5 –
67	Ditto	0 1 25	James Harris & William Gordon	143 – –
68	Ditto	0 1 30	George Benson (a)	140 – –
69	Ditto	0 1 29	William Mason	148 7 –
74	Ditto	0 1 19	James Coates (a)	179 19 –
75	Ditto	0 2 11	John Johnson (a)	150 3 –
76	Ditto	0 1 36	James Rule	144 8 –
77	Ditto	0 1 31	George Benson (a)	142 – –
80	Ditto	0 2 7	Willoughby Shortland	265 7 –
83	Ditto	0 1 25	George Cooper (a)	133 5 –
84	Ditto	0 1 31	Dudley Sinclair (a)	198 16 –
86	Ditto	0 1 31	Francis Fisher (a)	181 1 –
87	Ditto	0 1 9	Robert Wigmore	100 9 –
88	Ditto	0 1 32	I. Lord & J. Brown	151 4 –
89	Ditto	0 1 32	Ditto	270 – –
90	Ditto	0 1 6	J. Logan Campbell	181 14 –
91	Ditto	0 1 6	George M. Mitford (a)	138 – –
97	Ditto	0 1 38	Felton Mathew (a)	253 10 –
98	Ditto	0 1 38	Willoughby Shortland	319 16 –
100	Ditto	0 1 10	William Goodfellow	252 10 –
102	Ditto	0 1 4	William Buckland & T. Henderson	147 8 –
103	Ditto	0 1 10	William Turner	200 – –
104	Ditto	0 1 8	John Swainson	132 – –
105	Ditto	0 1 8	Thomas Hellyer	190 16 –
106	Ditto	0 1 8	Patrick Sharkey	96 – –
107	Ditto	0 1 8	William L. Standinger	96 – –
108	Ditto	0 1 8	Thomas Wright	136 16 –
109	Ditto	0 1 1	J. Brown	106 12 –
110	Ditto	0 1 1	John Johnson (a)	118 18 –
111	Ditto	0 1 6	E. M'Lennan	241 10 –
112	Ditto	0 1 17	C. T. Stone	173 17 –
113	Ditto	0 1 16	Hoggard & Pollen	210 – –
114	Ditto	0 1 14	David Guillan	186 6 –
115	Ditto	0 1 12	Ditto	150 16 –
116	Ditto	0 1 8	Robert Tod	290 8 –
117	Ditto	0 1 5	Thomas Russell	182 5 –
118	Ditto	0 1 5	J. Lord & T. Brown	180 – –
119	Ditto	0 1 4	Dudley Sinclair (a)	220 – –
120	Ditto	0 1 3	J. A. Brown	172 – –
121	Ditto	0 1 3	Heale, Sinclair & Co. (a)	215 – –
122	Ditto	0 1 3	Frederick Whitaker	129 – –
123	Ditto	0 1 3	Alexander Dingwall	90 6 –
124	Ditto	0 1 3	John Nolan	73 2 –
125	Ditto	0 1 13	Alexander Ross	95 8 –
126	Ditto	0 0 34	Dudley Sinclair (a)	49 6 –
127	Ditto	0 0 34	Ditto (a)	142 16 –
128	Ditto	0 1 0	Ditto (a)	94 – –
129	Ditto	0 1 0	Ditto (a)	86 – –
131	Ditto	0 1 10	Ditto (a)	95 – –

Lots.	TOWN.	EXTENT. A.	R.	P.	PURCHASERS.	PRICE. £.	s.	d.
132	Auckland	0	1	7	Dudley Sinclair (a)	138	13	–
133	Ditto	0	1	7	I. Lord & T. Brown	133	19	–
134	Ditto	0	1	7	Ditto	117	10	–
135	Ditto	0	1	7	William Brown	108	2	–
136	Ditto	0	1	7	Thomas Greenier	98	14	–
137	Ditto	0	1	7	J. A. Brown	128	5	–
138	Ditto	0	1	7	Robert White	129	5	–
139	Ditto	0	1	7	S. Mills & R. Condon	94	–	–
140	Ditto	0	1	7	J. Brown	96	7	–
141	Ditto	0	1	7	Dudley Sinclair (a)	155	2	–
142	Ditto	0	1	3	Gilbert F. Dawson *	67	12	–
143	Ditto	0	1	3	George M. Mitford (a)	129	–	–
					TOTAL £.	21,299	9	–

(a) Deposit paid, the balance, amounting to 4,985 *l.* 8 *s.* 1 *d.*, to be paid in Sydney, in accordance with the Government Notice of the 22d of March last.

* Lots 52 and 142 sold for 267 *l.* 12 *s.*; 200 *l.* allowed as a retired Naval officer.

Colonial Treasury, Auckland, 22 May 1841.

(signed) *George Cooper*, Colonial Treasurer.

Enclosure 2, in No. 43.

Encl. 2, in No. 43.

STATEMENT of RESERVED ALLOTMENTS selected by Government Officers, in accordance with the Government Circular Notice, dated 17th September 1840, showing the Average Prices realised at the Sale of TOWN ALLOTMENTS at and in *Auckland*, on the 19th and 20th of April 1841, calculated (according to the Colonial Treasurer's Report), on the Aggregate Amount produced by the Total Number of Perches sold in each Section in which they are respectively situated.

No. of Section.	No. of Allotments.	Names of Government Officers for whom Allotments were reserved.	Contents of such Reserve.		Average Rate realised for One Perch of each Allotment, on the Aggregate Number of Perches in each Section.	Amount payable by each Government Officer. £.	s.	d.
3	11	Mr. Shortland	1	34	695 perches realised 3,190 *l.* 9 *s.*, is 4 *l.* 11 *s.* 9 ¾ *d.* per perch.	339	14	1½
	13	Mr. Tucker	1	30		321	7	10½
4	17	Mr. Mitford, one moiety	0	29½	2,136 perches realised 8,664 *l.* 18 *s.* is 4 *l.* 1 *s.* 1 ¾ *d.* per perch.	119	13	10
7	8	Dr. Johnson	1	30	646 perches realised 1,528 *l.* 3 *s.*, is 2 *l.* 7 *s.* 4 *d.* per perch.	165	13	4
	11	Mr. Coates, one moiety each	0	26½		62	14	4
		Mr. Mason, one moiety each	0	26½		62	14	4
8	3	Mr. Mathew	2	34	735 perches realised 2,193 *l.* 2 *s.*, is 2 *l.* 19 *s.* 8 *d.* per perch.	340	2	–
	7	Mr. Fisher	2	33		337	2	4
	13	Mr. J. J. Symonds	1	30		208	16	8
	14	Captain Symonds	2	31		331	3	–
	15	Captain Richmond	2	33		337	2	4
	20	Mr. Rough	1	30		208	16	8
16	2	Mr. Grimstone	1	4	731 perches realised 2,349 *l.* 9 *s.*, is 3 *l.* 4 *s.* 3 ¾ *d.* per perch.	141	7	11
					TOTAL £.	2,976	8	9

Colonial Secretary's-office, Auckland, 10 July 1841.

Willoughby Shortland, Colonial Secretary.

NEW ZEALAND.

No. 44.
Lord Stanley to Governor Hobson, 14 February 1842.

— No. 44. —

(No. 22.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 14 February 1842.

I HAVE received your Despatch, No. 16, of the 5th August 1841, containing a report of the result of the land sale, which took place at Auckland on the 19th of April preceding, realising the gross sum of 24,275 *l.* 17 *s.* 9 *d.*

I regret the inconvenience which has been caused by the frequent change of system in the land sales in the Australian colonies, and which has extended to New Zealand. In order to remedy that inconvenience, it is my intention to introduce into Parliament a Bill for regulating the sales of land in all those colonies on a fixed principle: and until you shall have received further instructions on this subject, you will be authorised to continue sales by auction, fixing the minimum price of the land for ordinary lots at not lower than 20 *s.* per acre; and for suburban and town lots at such a price as you may think expedient.

You will not, however, under the present circumstances, bring more land into the market than is absolutely necessary. At the same time, it will be desirable that you should make every exertion to extend the surveys so as to be in advance of the probable demand.

I am, &c.
(signed) *Stanley.*

No. 45.
Governor Hobson to Lord J. Russell, 5 August 1841.

— No. 45. —

(No. 41/19.)

COPY of a DESPATCH from Governor *Hobson* to Lord *John Russell*.

My Lord, Government House, Auckland, 5 Aug. 1841.

I HAVE the honour to enclose a sketch of the plot of ground on which the temporary government house has been erected in Auckland, containing 18¾ acres and 20 perches.

The position of Government House is well adapted to the convenience of the public, and may be considered in all respects eligible for present purposes; but the ground will in a few years become too valuable to reserve for that purpose, and then the house I now occupy may with advantage be converted into public offices, and a new government house be built on a piece of ground that I have reserved, about a mile and a half on the east side of the town, containing upwards of 100 acres, the whole, or a part of which, may be formed into a domain, at your Lordship's pleasure.

I have, &c.
(signed) *W. Hobson.*

No. 46.
Lord Stanley to Governor Hobson, 21 January 1842.

— No. 46. —

(No. 15.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 21 January 1842.

I HAVE to acknowledge the receipt of your despatch of the 5th of August last, No. 41/19, enclosing a sketch of the plot of ground on which the temporary government house at Auckland has been erected.

I feel that I can only defer to your local knowledge and judgment in the selection of the site for that building.

I am, &c.
(signed) *Stanley.*

SKETCH

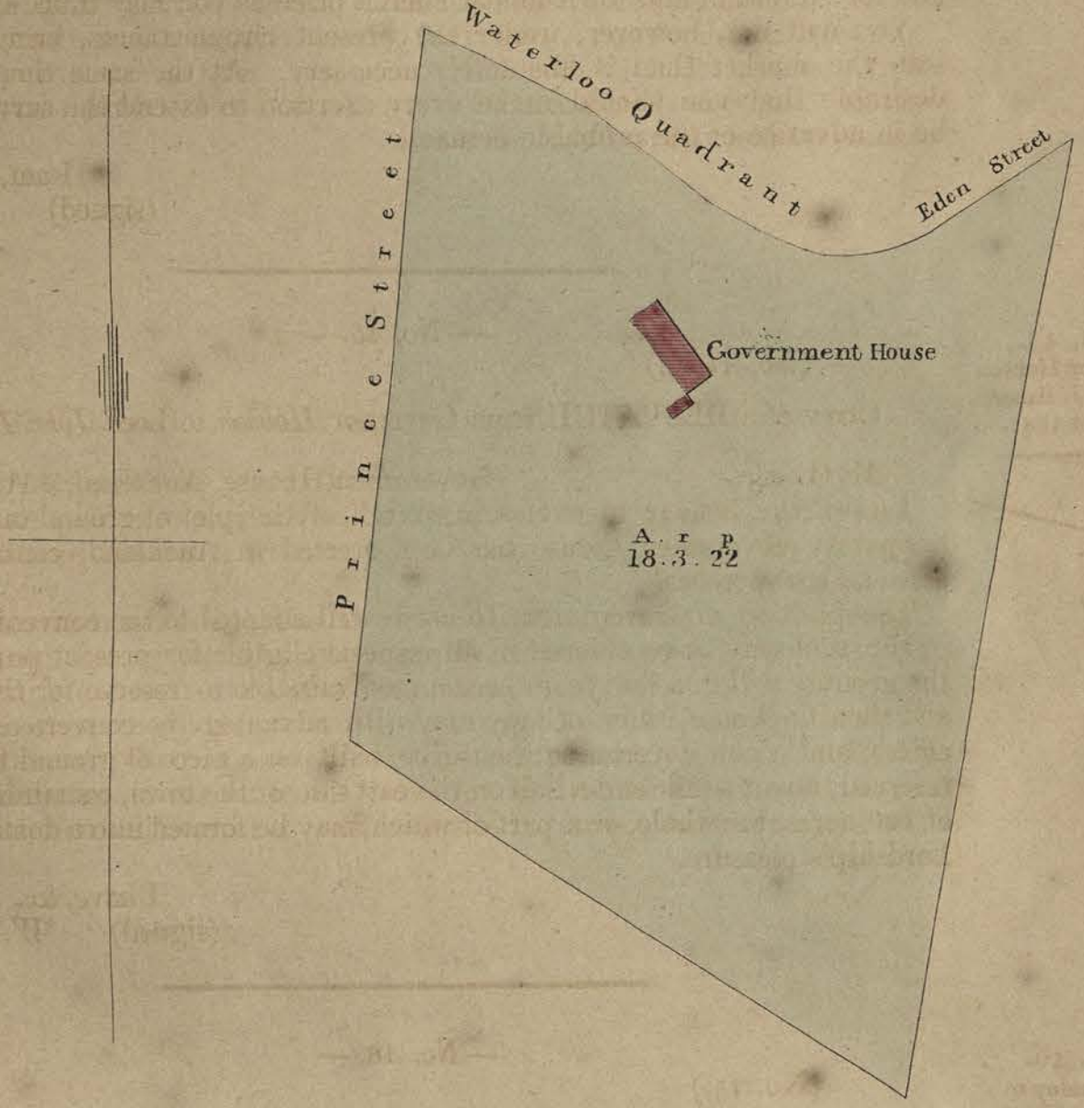
of the Land reserved around the

COVERNMENT HOUSE

AUCKLAND

by

Felton Mathew Esq.r Surv.r Gen.l



J. Arrowsmith Lithog.

James & Luke J. Hansard Printers.

 Ordered by the House of Commons to be Printed 12th Aug.t 1842

— No. 47. —

(No. 41/21.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 47. Governor Hobson to the Principal Secretary of State for the Colonies. 7 August 1841.

Government House, Auckland,
7 August 1841.

My Lord,

I HAVE the honour to acquaint your Lordship that on the 20th ultimo I appointed Edmund Storr Halswell, esq. to the joint offices of chairman of quarter sessions and commissioner of the court of requests for the southern district of this island, on a salary of 300 *l.* per annum, and I have to recommend to your Lordship that Mr. Halswell be confirmed in the appointment.

I have likewise to report that I have appointed the above-named gentleman to be commissioner for the native reserves, and protector of aborigines for that part of the colony, which offices, however, he fills without emolument.

I have, &c.
(signed) *W. Hobson.*

— No. 48. —

(No. 41/4.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

No. 48. Governor Hobson to the Principal Secretary of State for the Colonies. 5 August 1841.

Government House, Auckland,
5 August 1841.

My Lord,

I have the honour to refer your Lordship to a petition addressed to Her Majesty from some of the inhabitants of Port Nicholson, praying for my removal from this Government, which I apprehend was forwarded in the early part of June in this year, a copy of which is contained in the file of papers I herewith transmit.

For Petition of the Inhabitants of Port Nicholson, *vide* Encl. 3, in Mr. Somes's Letter to Lord Stanley, 7 September 1841, p. 26.

It is highly repugnant to my feelings to offer any defence against charges so unjust and so unfounded; but for your Lordship's information, I beg to state that I deny that Port Nicholson is either geographically or locally adapted for a seat of government. I deny also that I ever sent a vessel to entice away from Port Nicholson any artificers or labourers who could be induced to leave that settlement, and I beg respectfully to submit to your Lordship, that, in the absence of any clue to, or knowledge of the intentions of Her Majesty's Government towards the settlers at Port Nicholson, and without the authority usually vested in a Governor, I could not visit that settlement with any advantage to the inhabitants.

These three allegations form the grounds of the petition.

The first is met by a contradiction founded on authority the most authentic and disinterested that could be procured.

The second I deny in distinct and positive terms; premising, however, that I did cause to be hired for the service of government in erecting this house, the mechanics and labourers mentioned in the margin, for whom a free passage was provided in a ship that was casually passing between the ports; but so far from this step being taken in a clandestine manner, I advertised for workmen generally throughout the colony, without reference to Port Nicholson more than any other settlement where there might be men wanting employment.

4 pair of sawyers.
2 stonemasons.
4 carpenters.
5 labourers.

To the third I trust your Lordship will consider that I have given a sufficient reply.

I have, &c.
(signed) *W. Hobson.*

NEW ZEALAND.

No. 49.
Governor Hobson to the Principal Secretary of State for the Colonies.
27 Sept. 1841.

— No. 49. —

(No. 51.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Wellington, New Zealand,
27 September 1841.

My Lord,

IN acknowledging the receipt of your Lordship's communications as stated in the enclosed schedule, I have the honour to acquaint you that the chief agent of the New Zealand Company has applied to me by letter, dated the 10th instant, to point out a suitable position on which to locate the second colony mentioned in your Lordship's letter of the 22d of April (No. 31.)

I now do myself the honour to enclose copies of all the correspondence which has taken place on that subject between the agents of the company and myself, marked respectively (A.) (B.) (C.) (D.) and (E.)

Encl. marked (A.) from Col. Wakefield.
(B.) Gov. Hobson, in reply.
(C.) From Captain Wakefield.
(D.) From Gov. Hobson, in reply.
(E.) From Colonel Wakefield.

For Lord J. Russell's Despatch, 22 April 1841, No. 31, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 138.

In calling your Lordship's attention to this subject, I cannot offer a better elucidation of my reasons for declining to appropriate for that purpose the lands sought by the Company's agents in the neighbourhood of Port Cooper, than is contained in my letter to Captain Wakefield (marked (D.) But I scruple not to admit that had there not existed such sufficient grounds for my not acceding to the wishes of the Company's agents, I should nevertheless have deemed it my duty to object to the occupation of that part of New Munster until your Lordship's pleasure could be known respecting this proposed dispersion of the settlements over so extended a tract of country, whilst there remains so much excellent land unoccupied in intermediate positions.

From the eager desire evinced by the Company's agents, in the enclosed correspondence, to extend their settlements to the southern parts of the colony, your Lordship will probably coincide with my opinion, that their real motive in thus endeavouring to direct immigration to New Munster is either to oblige the Government to establish itself at Port Nicholson, or to render necessary a dependent government in New Munster.

Of the expediency of furthering either of these views, your Lordship is the most competent judge.

In relation to the system at present pursued by the New Zealand Company, of selling in England town lands of vast extent before any site has been chosen in this country, I respectfully submit to your Lordship that great evil seems likely to arise from that course. Not only are towns likely to be multiplied beyond the wants of the colony, merely to favour speculation, but in the subsequent selection of localities, objects of first importance (including the convenience of Government, whether geographically or politically considered), as well as the interests of the agriculturist, may be sacrificed.

The situation which Colonel Wakefield intimates his intention to occupy, as stated in his letter (marked "E"), is in my opinion liable to objections, both from its proximity to Wellington, to which it is liable to become a rival in trade, and from the imperfection of its harbour. But as it happens to be included within the special grant conceded by your Lordship to the Company, I do not consider myself justified in offering any interruption to his proceedings.

I have, &c.
(signed) *W. Hobson.*

(A.)

Sir, Wellington, 10 September 1841.

IN compliance with your desire that I should communicate in writing the course which, in my opinion, it would be most expedient to adopt in selecting a district for settlement by the second colony formed under the New Zealand Company's auspices, I beg to submit the following statement to your Excellency's attention.

By the agreement between the Company and Her Majesty's Government, it was stipulated that the lands to be granted to the Company in respect of Mr. Pennington's award should "be taken in that part of the colony of New Zealand at which their settlement had been formed, and to which they had laid claim in virtue of contracts made by them with the natives or others antecedently to the arrival of Captain Hobson as Her Majesty's Lieutenant-governor of New Zealand."

In

In a letter dated 5 April 1841, the Directors of the New Zealand Company represented to Lord John Russell that this restriction might operate injuriously on the second colony by limiting its range of choice; and they requested permission to exchange a portion of the land to be granted to them pursuant to Mr. Pennington's award, within the limits of their purchases, for any more suitable district which might be found beyond these limits.

Lord John Russell acceded to this application, and he forwarded a despatch to your Excellency, empowering you to sanction any proposal which might be made by the New Zealand Company's agent for the location of the second colony, subject only to two conditions:—

1st. That sufficient reserves should be made for public purposes.

2d. That the "substituted lands must not embrace any part of the future capital of New Zealand," nor lands comprised in the "district which may at any future period be embraced within its suburbs."

It appears, therefore, that your Excellency is at full liberty to select for the purposes of the second colony any part of New Zealand, not in the vicinity of Auckland.

Lord John Russell also called the attention of the directors to a question intimately connected with the prosperity of their settlements, namely, "whether by transferring any considerable part of their future settlements from the immediate neighbourhood of Port Nicholson, they might not give to the persons who had settled under their guidance at or near that place some plausible ground to impute to them a breach of faith, as the tendency of the change must apparently be to abstract from the vicinity of Port Nicholson labourers who have been, or who may hereafter be sent thither at the Company's expense."

It is obvious that the same caution must be exercised for the protection of the second settlement, as for Port Nicholson, and that some district ought, if possible, to be found for the second colony, where the abstraction of labourers from it also is not to be apprehended.

The despatches I have received from the court of directors are in entire accordance with the friendly spirit exhibited by Her Majesty's Government, and not a doubt appears to have existed in the minds of the directors, that in the selection of a district for the second colony, your Excellency would be guided solely, and without reference to any other consideration, by a desire to promote the prosperity of the new undertaking. It was at the express desire of the directors that your Excellency was instructed to use your unfettered discretion in the matter.

I now therefore apply to your Excellency to point out a district suitable for the second colony, bearing in mind that at least 200,000 acres of land, and a port capable of accommodating safely vessels of large size, must be procured, if they exist in any part of the islands of New Zealand; also that in compliance with Lord John Russell's recommendation, it must not be so near any other settlement as to render the abstraction of labourers easy or probable. On this point my own instructions from the court of directors are very precise and emphatic.

With a view to avoid the imputation of breach of faith to purchasers of land from the Company in respect of a supply of labour, I am directed "to examine the tendency of every proposal with respect to the removal of people from the Company's settlement." This, I am told, is the "test to which I must submit every question as to the choice of land." "For not merely the Company's success, as a promoter of emigration, but its continued existence in that character, depends on the fixing of emigrants in the neighbourhood of the lands, by the sale of which the funds for their emigration shall be provided."

Having thus briefly mentioned the circumstances under which the selection must be made, I proceed to inform your Excellency of the course which I shall be compelled to adopt, in case the district pointed out by your Excellency should in my opinion be unsuitable for the settlement of the second colony. I am at liberty to avail myself of the extension of the range of choice conceded by Lord John Russell, but retain the power of falling back on the original agreement should it unfortunately happen that your decision shall be opposed to my conscientious opinion as to the district needed by the second colony. The directors in that event instruct me to "stand by the old right of choice, and select within the limits pointed out by the agreement." In other words, I shall be obliged to take the best lands and harbour I can find within the territory claimed by the Company, in virtue of my contract with natives and others, made antecedently to your arrival in New Zealand as Lieutenant-governor. I am aware that such a proceeding might be injurious to the general colonization of New Zealand, and I confidently hope that your Excellency's decision will not render it necessary for me to resort to it.

I have, &c.
(signed) *W. Wakefield*,
Principal Agent to the New Zealand Company.

To His Excellency
Governor Hobson, &c. &c. &c.

(B.)

Her Majesty's Colonial Brig Victoria,
Port Nicholson, 11 September 1841.

Sir,

In acknowledging the receipt of your letter of yesterday's date, I have the honour to inform you that I am willing to allow the Company to select any lands for the location of the second colony, which may be at the disposal of the Crown, except only the immediate suburbs of Auckland or Russell, reserving the right of the selection of 10,000 acres, more or less, which it has been decided to grant to Mr. Clendon as compensation for his lands and buildings in Russell.

NEW ZEALAND.

Until the investigation of the Commissioners is more advanced, the extent of country over which the Government can exercise any control is very limited, and is all situated northward of Auckland, with the exception of a tract of from 30,000 to 40,000 acres adjacent to the capital on the south.

If I rightly comprehend the agreement sanctioned by Her Majesty's Government for the location of the second colony, but 50,000 acres are required in the block, which is to include their principal town. This extent may be had at Maharangi, within the limits of a purchase lately made by the Government.

There are large tracts about the harbour of Wangari, including the port, which may be selected if they are preferred; but I am uninformed of the extent of land which has been alienated from the natives in that immediate vicinity.

Should you, on examination of the ports to the northward, find a suitable situation for your town, it will be in my power to allot to the Company one hundred and fifty thousand (150,000) acres, in the valley of the Thames, or on the banks of the Waipa, both of which are celebrated agricultural districts, enjoying good river navigation, and are placed at my disposal by the native chiefs.

With the exception of the information derived from you, I am not yet in possession of any instructions on the subject of the second colony, but being desirous to promote the object of the Company, I hesitate not a moment to act on the authority of the copy of Lord John Russell's letter, which you were good enough to place in my hands.

If it is from that document you draw your conclusion that "I am to be guided solely, and without reference to any other consideration, by a desire to promote the prosperity of the new undertaking," I own I cannot coincide in your deduction. It is clear, however, that his Lordship is sincerely desirous to advance the measure, and it shall be my study to forward his views; but with a due regard to all other interests which may be involved.

I shall be happy to learn on my return from Akaroa the course you mean to adopt, that I may take early measures for the completion of the purchase of the land in the valley of the Thames or on the Waipa, if either should be required by you.

I have, &c.

W. Wakefield, Esq. (signed) *W. Hobson*, Governor.
Principal Agent of the New Zealand Company.

(C.)

Sir, Wellington, 25 September 1841.

In reference to our conversation of this morning, relative to the location of the second colony to be established by the New Zealand Company, I beg to offer a few remarks in writing.

You will learn by the accompanying correspondence between Mr. Duppa and the secretary of the Company the nature and extent of the proposed settlement, and will perceive the impossibility of fulfilling the conditions undertaken by the Company by an acceptance of your proposal of Maharangi as the site of the projected town.

I understood you to admit that it was insufficient for the purpose, and to state that the proximity to the capital of the only districts at the disposal of the Government would evidently be prejudicial to any town which might be established thereabouts. Independently of an unequal competition with the capital, the risk of the removal of emigrants, sent out at the expense and for the benefit of the purchasers of land from the Company, would be alone sufficient to preclude me from placing them in those districts. The delay incurred in the examination would therefore be useless.

I proceed to the objections your Excellency made to grant a choice of a site in the Middle Island. That island, it is admitted, is British territory by right of discovery. You however declare it not yet disposable for settlement, in consequence of its not having been purchased from the natives. The Company propose to proceed to the purchase of any selected district, with the co-operation of the Local Government, and to defray its expenses. To your objection that it is not yet time to colonise the Middle Island, I submit as a means of so doing with ease and advantage to the Crown, the available expenditure by the Company of two hundred and fifty thousand pounds, (250,000 *l.*) in the establishment of a centre of future operations.

No objections appear to exist on the score of European titles, which are disposed of by Government regulations, and the natives, it is well known, have repeatedly alienated their possessions to various claimants.

The sanction of the place of the second colony by Lord John Russell, and the absence of any restrictions as to the Middle Island, gave the Company every reason to believe that it was open to settlement, and the purchasers of land were so given to understand.

Your Excellency's refusal to give the Company the choice of the best district in the Middle Island will not prevent the dispersion of the settlements, as they will be obliged to fall back upon the right of selecting out of the territory acquired from the natives previous to your arrival; the want of tracts of pasturage, which would vary the occupation and interests of the second colonists from those of Wellington, and instead of tending to its prejudice would not only aid it, but would be of assistance to the whole of the Northern Island, at present dependent upon the neighbouring colonies for stock, must be severely felt.

It remains to me now only to impress upon your Excellency the disappointment which will be felt by a respectable body of settlers, should they find that an inferior site has been fixed upon from the want of a more extended choice, and that the only objection to obtaining that choice was the necessary process of purchase from the natives, a process which the Company contemplated in almost any case; and to repeat my urgent request that you will be

be pleased to reconsider your objections, and permit the agents of the Company, upon their own responsibility, to select the position of the intended settlement, subject only to the two conditions imposed by Lord John Russell.

I have, &c.

His Excellency Governor Hobson, &c. &c. &c.

(signed) *Arthur Wakefield*, Agent of the New Zealand Company.

(D.)

Her Majesty's Colonial Brig Victoria, Port Nicholson, 27 September 1841.

Sir,

In reply to your letter of yesterday's date, I beg to recapitulate in substance my grounds for declining to appropriate lands, over which the Crown beyond its sovereign rights, at present holds no control.

The lands you allude to in the island of New Munster, as desirable for the settlement of the second colony, I assume to be those situated between Port Cooper and Otago, probably including Banks' Peninsula. That territory, you are aware, is claimed by various individuals who profess to have purchased it from the aborigines, amongst whom are the French or Nanto-Bordelaise Company; whilst the natives insist that a considerable part of their right to it is still unalienated.

In this position of the case it would, in fact, be a most unwarrantable and wanton exercise of power, were I, on behalf of the Crown, to appropriate these lands until the claims of the purchasers, or alleged purchasers, have been adjudicated by the Commissioners, and the native rights, if they retain any, have been fully established. It may be objected, that I have in another instance departed from this rule, by guaranteeing against all European claimants, the rights of settlers located by the New Zealand Company on the lands of Port Nicholson, Wanganui, and Taranaki. But this course I defend on the score of expediency, as the only means open to me of restoring confidence to the occupiers of land, who purchased from the New Zealand Company under an implied assurance that the Company's title was clear and undisputed, while there are at present numerous conflicting claims pending the decision of the commissioners.

It is not my intention, however, to allow this procedure to be drawn into precedent, and certainly not, in any instance to be adopted for the advantage or convenience of any persons who are not already occupants of the soil, or to whom the land has not been appropriated under the sanction of Her Majesty's Government either positive or implied.

In the second paragraph of your letter you state that you understood me to admit that the situation of Maoranghi was insufficient for the purposes of the Company, and that its proximity to the capital would operate to the prejudice of any town there established.

In my letter to Colonel Wakefield of the 11th instant, I stated the tract of land at and about Maoranghi to contain about fifty thousand acres (50,000 acres) more or less. This estimate the surveyor-general assures me is underrated by at least one-half, and 30,000 acres may be added to its northern boundary, if required, from lands which will revert to the Crown under the land regulations.

To this tract, if you accept it, may be added as much land in the valley of the Thames, as will complete the quantity required to meet the Company's engagement.

Referring to the observations which passed in conversation respecting the site of a town, I certainly admitted that the proximity of the capital would, by comparison, be unfavourable to the Company's town; but I am not at all clear that its real value would suffer by that circumstance. The expediency of placing two large towns so closely together is, I know, questionable, but this is a consequence we cannot guard against, while the Company continues to sell towns in England which are beyond the actual wants of the colony, and are used merely as a means of carrying on gambling and speculations by persons who never dream of becoming colonists.

In consequence of the quotation you made of the opinion of the surveyor-general relative to the extent of land at Maoranghi, I have obtained in writing from that gentleman his statement, which I have the honour to forward herewith, and which you will perceive does not exactly accord with the view you took of it "that there was not space there to lay out such a town as you require."

In the following paragraph I think you misapply the term "that I refuse to give to the Company the choice of the best situation in the Southern Island." I certainly decline granting it, because I consider it not at present at my disposal, and if the settlers about to arrive should feel disappointed in the selection of land you may make, either from the former settlement of the Company, or from that which I am enabled to offer, I hold myself perfectly irresponsible for the consequences. As you referred in conversation to the probability of your fixing on Blind Bay as the port for the second colony, I think it necessary to apprise you that the lands at that place and its vicinity are extensively claimed by persons who date their native titles prior to Colonel Wakefield's arrival in 1839. Without prejudging the case I cannot say how far these counter-claims may affect those advanced by the Company; but I state this circumstance to guard against any inconvenience which may hereafter arise, should the title of the Company not prove valid.

I have, &c.

Captain Arthur Wakefield, R. N. &c. &c. &c.

(signed) *W. Hobson*, Governor.

NEW ZEALAND.

MEMORANDUM for his Excellency the Governor.

MY observations to Colonel Wakefield respecting Mahurangi, were made in discussing the relative merits of that place and of the valley of the Thames, and were merely comparative. Colonel Wakefield must have misunderstood me if he supposed that I said there was not space to lay out a town at Mahurangi, an observation which would have been not merely contrary to fact, but opposed to my own opinion as recorded in my former Report to your Excellency. My observation was this, that if the Company were bound to lay out a town of 1,200 acres, so large a space could not be devoted to that purpose, without entrenching on the pine cleared from lands which would be far more valuable for cultivation On the contrary (I observed) at the Thames, I am of opinion that sufficient space will be found for a town on the flat at the mouth of that river, and which may be extended without interfering with the cultivation lands, which would be found higher up the river. I am certainly of opinion that for a large settlement with a prospect of a numerous and rapidly increasing population, the valley the Thames affords greater scope and capability, the land being all immediately available without exposing the settlers to a large outlay of capital in clearing before he can commence operations. But Mahurangi is admirably adapted for a smaller settlement, and one in which the concentration of the population was not a matter of much importance. There are few situations in which a town might be laid out to greater advantage, if its natural capabilities are appreciated and made use of, and provided the design be not too extensive, than the spot at the falls of the Mahurangi river, which, in my Report before mentioned, I recommended should be reserved for that purpose. This is the substance of the opinion which I advanced in my casual conversation with Colonel Wakefield on the subject.

(signed) *Felton Mathew*, Surveyor-General.

26th September 1841.

(E.)

Sir, Wellington, 27 September 1841.

IN obedience to the wish expressed in your Excellency's letter to me of the 11th instant, to learn the course I intended to adopt with respect to the second colony of the New Zealand Company, I have the honour to acquaint you with the decision upon which, in conformity with the instructions I have received from the Court of Directors, I propose to act, and the grounds of the opinions which have led to that decision.

The proposition, in reply to the application I made to your Excellency on the 10th instant, to point out a suitable district for the second colony, and your communication of this day's date to Captain Wakefield, in answer to his representations on the same point, leaves me no alternative but to seek the best location for the body of emigrants shortly to be expected in this part of New Zealand, pointed out in the agreement between Her Majesty's Government and the Company, for the seat of their future settlements.

I can add nothing to the reasons I have already submitted to your Excellency, in my letter above referred to, for so placing the second colony as to preclude the probability of the removal of population to other settlements, in accordance with the faith pledged by the Company to the persons who have settled under its guidance, since, as I then represented, the very existence of the Company as a promoter of emigration depends on their observance of that principle.

Being intimately convinced of the importance of that principle, it would be needlessly trespassing on your Excellency's time to refer to the relative merits and capabilities of the districts proposed for the second settlement; neither would it lead to any end were I to defend the validity of the Company's title to land, or to question the probability of the admission of the claims (limited as they are) of the Nanto-Bordelaise Company, in opposition to your Excellency's proclamation, declaring the Southern Island to be British territory by virtue of Captain Cook's discovery.

With reference, however, to your Excellency's allusion to the Company's selling towns in England, which are beyond the actual wants of the colony, and are merely used as a means of carrying on gambling speculations by persons who never dream of becoming colonists, I venture to vindicate the intentions of the gentlemen who compose the directors of the Company, by observing, that if they had only mercenary views, and were not actuated by the desire they have always evinced to carry out the principles of colonization which they have put forward in reference to this country since 1837, and which they believe to be best adapted to the peculiar circumstances and configuration of the islands, they would, by taking advantage of the present feelings of the public, be enabled to realise much larger profits by indiscriminate sales of land, than they can ever hope to make for the shareholders and purchasers by a systematic and judicious location of emigrants in the most appropriate spots.

Under the circumstances of your Excellency's declining to grant the Company the choice of situations in the southern island, and of my sincere belief that the placing the expected settlers in the immediate neighbourhood of an already established settlement, would lead to the disastrous results contemplated by the directors, I have directed Captain Wakefield

to

to proceed to the selection of the most suitable location in that part of the island to which the Company lays a claim.

The best information we can collect points out Blind Bay as possessing the harbour and district most available for the purpose. I believe it to be inferior to some others of the choice, amongst which your Excellency's decision deprives us.

In conclusion, I beg to assure your Excellency, that fully sensible of the great responsibility and important trust which devolve on you, and desirous, by my humble co-operation in the work of settling this country with advantage to the British nation, to maintain to the utmost of my power the dignity of the Crown and its representative, nothing but an imperative sense of duty and obedience to my employers, and those who are guided by them, would have prevented me from adopting your Excellency's views on this as on other occasions, without qualification or reserve.

Claiming only from your Excellency's justice due allowance for a conscientious difference of opinion, and your protection for our fellow-subjects destined for the proposed settlement,

I have, &c.

His Excellency Governor Hobson,
&c. &c. &c.

(signed) *W. Wakefield,*
Principal Agent New Zealand Company.

— No. 50. —

No. 50.
Governor Hobson to Principal Secretary of State for the Colonies.
20 October 1841.

(No. 41/23.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
20 October 1841.

My Lord,

REFERRING to my despatch, No 41/11, wherein I expressed my intention of visiting Port Nicholson, and the southern districts of this colony, I have the honour to acquaint your Lordship that on the 11th instant I returned to Auckland, having completed my proposed tour, the result of which has been most satisfactory both to the European and native population.

On my arrival at Port Nicholson I found one portion of the community in a great ferment, agitated and excited by a venal press, and by a few discontented spirits, who, when they fairly brought their case before me, found they had no sufficient grounds for complaint, and that they had been anticipated in almost every measure they sought, by the previous provisions of the local government.

On Monday, the 30th of August, a deputation, consisting of 30 or 40 persons, headed by Dr. Evans, Mr. Hanson, and Mr. Earp, waited on me, for the ostensible purpose of presenting a petition to request the institution of a charter of incorporation for their town; and for affording the colonists, at a distance from the capital, the means of self-government, and the prompt administration of justice.

All these measures, as I have already reported to your Lordship, had previously been under the consideration of the Government, and only awaited the meeting of the Legislative Council to be legally provided for. The disaffected portion of the meeting, finding their principal grievances so promptly met and redressed, endeavoured to introduce many extraneous matters, reflecting on the Government, which were so foreign to the purpose for which the interview was granted, that I took an early opportunity of dismissing the meeting.

It is with much pleasure I report to your Lordship, that from by far the largest and most influential body of the colonists I received the warmest and most cordial support; and that even those who were opposed to my government, displayed no manifestation of displeasure or disloyalty.

As I have mentioned the names, amongst others, of Mr. Hanson and Mr. Earp, I must, in justice to those gentlemen, observe that they both expressed themselves satisfied with my pledge; and that in a few days subsequent to the meeting, I found them the warmest and most zealous supporters which I had in the community.

Mr. Earp, who had been conspicuous for the violent part he took at a public meeting which was held in May, to petition Her Majesty for my removal, apologised in the most ample manner for the part he took on that occasion, declaring that he acted under a false impression of my character and of my views; and that he greatly regretted, as did many others, both the language

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he had used and the course he had adopted. My further knowledge of Mr. Earp satisfied me that he is a gentleman of good sense and education, free and liberal in his opinions; but so devoid of any spirit of faction, that I selected him as a fit person to serve in the Legislative Council, to which I appointed him, by placing his name at the head of the list of magistrates, *vice* that of Colonel Wakefield, who declined the office, lest it should interfere with his duty as agent for the Company.

During my stay at Port Nicholson several questions were proposed to me, chiefly of a commercial nature, which I will have the honour to report in a subsequent despatch.

The native chiefs of the district called on me, and expressed the greatest confidence in Her Majesty's Government, and their willingness to comply with every order I might give them; but they all demanded protection from the encroachments of the Company, who, they asserted, had most unscrupulously appropriated their lands.

I shall have the honour to transmit to your Lordship the Report of the Protector of Aborigines, with some observations, which will form the subject of another letter.

I have, &c.
(signed) *W. Hobson.*

— No. 51. —

No. 51.
Lord Stanley to Governor Hobson, 24 June 1842.

(No. 51.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson.*

Sir, Downing-street, 24 June 1842.

Separate, 5 Aug. 1841. 27 Sept. 1841. No. 23. 20 Oct. 1841.

I HAVE had under my consideration your despatches of the numbers and dates mentioned in the margin; and, if I have delayed in some measure answering your earlier communications, I have done so, not because I was insensible of the possible disadvantages under which you might labor from the absence of positive instructions, but, because I considered, that still greater inconvenience might result from sending out to you, at so great a distance, instructions founded upon a state of things, which the lapse of a short time might materially alter. Experience has happily confirmed my anticipations, that personal explanations would tend in great measure to allay the irritation which existed among the inhabitants of Port Nicholson when they transmitted the petition for your recall, which accompanied your despatch of the 5th August, and I am happy to find from your despatch of the 20th October, written after your return from that settlement, that the body of the inhabitants, including some who had strongly censured your conduct, appeared satisfied with the arrangements which you had made, by the advice of your council, for the administration of their local affairs.

This being the case, I deem it unnecessary to enter upon a consideration of the petition which was then presented, further than to say, that I consider the answer contained in your despatch of the 5th of August, to the charges brought against you, sufficient and satisfactory, with the single exception of the complaint made in relation to your abduction of labourers from Port Nicholson to Auckland. On this point I cannot disguise from you my opinion, that, in offering a free passage to Auckland to mechanics who had been introduced into the Company's settlement at their expense, you judged erroneously. To have accepted from such persons a spontaneous tender of service would have been unobjectionable; but I think that the public funds at your disposal were not properly applied, and that your authority as Governor was not judiciously exerted, in raising inducements to move those persons to quit the service in which they had originally engaged. At the same time I freely acknowledge, that the necessity for procuring labourers for the public works at Auckland was urgent, and that the difficulties under which you were labouring on that subject were such as greatly to extenuate any error of judgment into which you may have fallen in the effort to encounter and subdue them.

I am fully aware of the arduous nature of the service in which you are engaged, and of the embarrassments in which your peculiar position must frequently involve you, and I trust that you will require no assurance from me

to

to convince you, that I am, and shall always be, prompt to make all the allowances to which under such circumstances you have a fair and reasonable claim.

In reference to your selection of Auckland in preference to Port Nicholson as the site of the future capital of New Zealand, I am happy to acknowledge that the grounds on which you proceeded appear to me satisfactory.

On a subject so peculiarly local, and to the right understanding of which so much exact topographical knowledge is essential, my opinions must of course be guided by the comparison of the statements transmitted to me, and by balancing the weight of conflicting authorities. Approaching the question in that manner, and unaided by any personal acquaintance with the localities, I have thought that there is such a clear preponderance of motives in favour of your choice as to justify me in advising the Queen to direct that Auckland should be the seat of Government of the new colony; and I have received Her Majesty's commands to acquaint you, that such is Her Majesty's pleasure.

On the other hand you will, I am sure, feel that that decision was certain, from the very causes which entered very largely into its prudence and policy, to produce considerable disappointment on the part of the New Zealand Company, and of those, who, having emigrated under the auspices of that Company, found themselves removed to a great distance from the seat of Government, and thereby subject to inconvenience and privations of which they had anticipated the early removal; and I am persuaded that you will be disposed to make every allowance for feelings of temporary irritation arising from such causes, and for occasional unguarded expressions to which their feelings may give rise.

In reference to your transactions with the Company, you may rely at all times on my firm and full support of your authority as Governor, against any exaggerated pretensions on the part of the Company or its agents. I have already informed the directors that if they desire their agent's representations to be attended to, it is necessary that they should be transmitted in the usual manner through you, and accompanied by your report, and that the invariable consequence of a deviation from this universal rule will be, that they will be subjected to the inconvenience and delay attendant upon a reference back o the colony for your report.

On the other hand, I have to impress upon you the propriety, on all occasions, of treating the Company, their agents and their settlers, with the utmost consideration and courtesy; co-operating with them to the best of your ability in carrying on their operations, so far as you can do so consistently with the interests of others whom you are bound to protect, and affording them every reasonable facility and encouragement; and I trust that, relying on my determination on the part of the Government not to suffer any undue assumption or encroachment upon your authority by their agents or any other persons, you will be especially careful, not only in substance, but in form and in expression, not to give them any reasonable ground for offence. I make this observation the rather, because in one of your letters addressed to Captain Wakefield, I notice an expression apparently imputing "gambling speculations" to some of the Company's proceedings, which on reconsideration I think you will be of opinion had better have been omitted. *Encl. (D.) in 546.*

Of the substance of your correspondence with Colonel and Captain Wakefield, in which I find this expression, I entirely approve, and I concur in the policy of avoiding unnecessary dispersion, and of settling the northern island first, upon a regular, and, as far as possible, a systematic plan.

I transmit to you by this mail an Act for regulating in future the sale of land in the Australian colonies, including New Zealand, by which you will be relieved from all uncertainty as to the course to be pursued in this department of your government. On this subject, however, I shall have to address you in a separate despatch. *5 & 6 Vict. c. 36.*

I also transmit for your information and guidance copies of a correspondence which has taken place between my under secretary and the Governor of the New Zealand Company, by which you will perceive the arrangement which has been made in reference to the second colony established by the Company, and also the relations in which the Company and Her Majesty's Government will hereafter stand to each other. *New Zealand Company, 29 Apr. 1842. Mr. Hope, 24 May 1842. New Zealand Company, 10 June 1842. Mr. Hope, 22 June 1842. New Zealand Company, 24 June 1842.*

I am not aware that it is necessary for me to add anything on the subject of those relations, except to say, that in my judgment Colonel Wakefield acted very properly in declining the offer of a seat in the Legislative Council; and that I wish

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wish you to understand that you will not hereafter appoint to any office under the Crown (other than such as local magistrates, &c.) any persons who may be actively engaged as agents for the New Zealand or any other land company, or who may even be extensively concerned as shareholders therein; and this latter restriction you will apply the more strictly in proportion as the office held may be one of more trust, importance, and influence.

I have, &c.
(signed) *Stanley.*

— No. 52. —

No. 52.
Governor Hobson to Principal Secretary of State for the Colonies, 5 November 1841.

(No. 41/24.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
5 November 1841.

My Lord,

I HAVE the honour to report that in my recent visit to the southern districts of this colony I called at the Port of Akaroa, where I found the French very peaceably established under the agent who accompanied them from Europe, Mons. Belligny, with the French corvette L'Aube, commanded by Captain Lavaud, lying at anchor in the harbour.

In the course of my communications with that officer, he constantly and invariably disclaimed any national intrusion on the part of his government, but he supported the claims of the company as private individuals, asserting theirs to be the only *bonâ fide* purchase of that district which had been made from the natives.

Into the merits of this question I was not prepared to enter, nor was he or the company's agent in a position to show the injustice of the numerous antecedent claims that have been advanced by British subjects. The whole case is therefore involved in the same doubt and difficulty as are the titles of other parties throughout the islands, and can only be determined by a most minute investigation by the Commissioners, to whom, it is clearly understood, the case is to be referred.

The land claimed by the French extends over the whole of Banks' Peninsula, to a considerable distance along the coast both north and south of that point, and to an indefinite limit into the interior; their right to which is founded on a purchase made by the captain of a French whaler named L'Anglois, who resold it to the company, which was formed at Nantes and Bourdeaux in 1840, under the title of the Nanto-Bordelaise Company.

The number of emigrants already landed do not exceed 30, including both sexes and all ages, and, with the exception of two or three mechanics, are of the labouring class. But the agent informed me that 500 persons were on the point of embarkation, and were only prevented from proceeding to this colony by Her Majesty's Proclamation of October 1840.

Those who are at present at Akaroa are located on spots of land suited for garden cultivation, from which supplies are obtained for their own use, with some surplus, which they exchange with the captains and crews of whale ships for commodities of absolute utility.

Capt. Lavaud, 17 Sept.
Governor Hobson, 20 Sept.

I have the honour to enclose the copy of a correspondence with Captain Lavaud for the regulation of this interchange of articles without fiscal interference. Your Lordship will perceive that in the same communication I accede to a request of Captain Lavaud to support his influence over his countrymen, which he has hitherto exercised with the most beneficial effect to the peace and harmony of the community, and which I propose to continue until the foreign immigrants shall be blended with the general mass of the colonial population. I hope the steps I have adopted in this matter may meet with your Lordship's approval.

In bringing the case of these settlers under your Lordship's notice, I would beg leave most respectfully to submit a suggestion, which occurred to me as best calculated to relieve Her Majesty's Government from any troublesome importunity on behalf of the French Government, or of the Nanto-Bordelaise Company.

Assuming that the claims of the company are substantiated, and that indulgence is due to them for the importation of immigrants, I propose that the same privilege be extended to them as to the New Zealand Company, and that a block

a block of land in the extreme northern district of this island, proportioned in extent to their outlay of capital, be allowed them, on condition that they relinquish their present location and all other claims whatsoever in New Zealand.

The advantages I should hope to derive from such an arrangement would, in the first place, be their better government, by removing them to a situation in which they would be brought within the practical control of the Government; and in the second, the encouragement of a species of labour, which they could supply, and which would tend to develop the true resources of the northern districts of New Ulster by the cultivation of the vine, the olive, and the mulberry, for which the climate and the soil are most peculiarly well adapted.

In conversation on this subject with Monsieur Belligny, that gentleman seemed favourable to the project, and promised to propose it to his employers. The only boon he sought for French or German immigrants was a relaxation of the duty on implements of husbandry which French or German peasants are accustomed to use. This indulgence I promised to recommend to your Lordship's consideration, in the event of your approving of my proposition.

Should the Nanto-Bordelaise Company apply to your Lordship on this subject, it may be right to inform you that I held out no hope that Her Majesty's Government would accede to my proposal, having only pledged myself that, if it were approved, I should be prepared to provide 50,000 acres of land to meet the demands of the company, situate within a moderate distance of a convenient seaport.

If your Lordship coincide in my views, and the French company agree to the conditions, an early intimation of your Lordship's pleasure will enable me to secure the land requisite for the reception of the immigrants, which I propose to select in the district of Kaitaia, placed on the map in the thirty-fifth degree of latitude, where there is a good harbour and an abundance of fine land, with an undulating surface well adapted for vineyards.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 52.

Excellence, A bord de L'Aube, le 17 Septembre 1841. Encl. 1, in No. 52.

Vous avez bien voulu me promettre de donner des ordres à Monsieur Robinson, afin que rien ne soit changé dans les choses établies jusqu'ici à Akaroa, et desquelles nous étions convenus ensemble à la Baie des Iles, jusqu'au moment où je recevrais des nouvelles instructions. Je n'ai encore rien reçu depuis mon arrivée à la Nouvelle Zélande, mais j'ai su à votre arrivée, que la corvette L'Allier, armait à Brest, en Février dernier, pour venir me relever, et m'apporter par consequence les ordres que j'attends avec la plus grande impatience; ce bâtiment ne peut désormais tarder, et chaque jour je dois le voir paroître.

Je ne doute pas, d'après la note de notre chargé d'affaires à Londres, que vous avez eu la bonté de me communiquer, de la reconnaissance du Gouvernement Français, quant à la souveraineté de l'Angleterre sur ces îles, et c'est un motif de plus pour que j'insiste près de votre Excellence, afin que l'état dans lequel nous sommes aujourd'hui, soit maintenu jusqu'à l'arrivée du bâtiment qui me remplacera dans la protection de la pêche. Ma conduite sur la rade d'Akaroa depuis que j'y suis, a dû assez prouver au Gouvernement de S. M. B. que je n'avais aucune idée attentatoire aux droits de S. M. la Reine de la Grande Bretagne sur la souveraineté, pas plus que d'empêchement, sur les terraines. Aucun acte de ma part n'a eu lieu dans un autre but que celui de maintenir la tranquillité sur le point où je me trouvé, et d'éviter des collisions entre nos nationaux. Ce n'est pas sans peine et sans fermeté que j'ai pu jusqu'ici maintenir l'ordre et faire patienter les colons; je leur ai dit que je prenais tout sur moi jusqu'à l'arrivée de nouveaux ordres, et qu'alors je les instruirais positivement de la position dans laquelle ils seraient placé à l'égard du Gouvernement Anglais; mais si, aujourd'hui, peu de jours avant l'instant où ma promesse doit être remplie, quelque chose d'effectif ou d'apparent venait à être fait de la part du Gouvernement de la Reine, mon caractère serait gravement compromis.

Deux points capitaux méritent de prendre place dans les observations que je crois devoir vous addresser. L'un d'eux porte sur les douanes, l'autre sur l'autorité que j'exerce sur mes compatriotes. Cette autorité, jusqu'ici, a été aussi profitable aux intérêts de l'Angleterre qu'aux colons, puisqu'elle n'a servi qu' à maintenir la tranquillité; que j'ai été prié une fois entr'autres, d'intervenir à la demande de Mr. le Magistrat nommé par votre Excellence, dans une lutte engagée entre des Anglais et les constables qui furent repoussés et battus par les premiers; que la corvette que je commande, en accordant sa protection, a maintenu en détention pendant plusieurs jours les malfaiteurs, et qu'enfin depuis l'instant qu'il a été prouvé que L'Aube était aussi une protection pour l'autorité Anglaise, le calme n'a cessé de régner; mais cette influence que j'exerce dans le but du bien, a été sur le point d'être anéantie en Octobre dernier, quand Mr. Robinson m'annonça qu'il allait faire arborer le

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pavillon Anglais; sur mes observations il consentit à suspendre, et voici sur quoi je me basais.

Le signe exterieur du pavillon dans l'etat des choses, n'ajoute rien aux droits de l'Angleterre, ce pavillon ayant d'ailleurs déjà été arboré et salué par la corvette L'Herald avant mon arrivée. Les proclamations, au nom de la Reine, ont été d'un bien autre effet, ainsi que les actes et la présence d'un magistrat pour assurer la souveraineté; enfin, rien de ma part n'a pu donner le moindre doute aux autorités Anglaises sur la pureté et la loyauté de mes intentions et des engagements pris par moi envers Mr. Le Capitaine Stanley, lorsque j'ai promis qu'aucune arme ou projectile de guerre ne seraient debarqués pour être mis à terre.

Je ne pense pas que M. Robinson revienne sur sa détermination, mais puisque je suis assez heureux pour voir ici votre Excellence, j'ai besoin de lui faire part de ce qui a été sur le point d'avoir lieu, et des consequences qui s'ensuivraient, si avant l'arrivée de mes instructions pareille idée était mise à execution.

Si le pavillon Britannique devait être arboré à Akaroa, si peu de jours avant le moment où je dois sans doute reçevoir l'ordre de mon gouvernement de reconnaître la souveraineté de l'Angleterre, toute mon autorité sur les colons devrait cesser, je ne pouvais intervenir à terre en aucune manière, pour y maintenir l'ordre et la tranquillité; je me renfoncerais dans mes fonctions de capitaine de mon bâtiment, et me regarderais simplement protecteur des sujets de ma nation, en cas de vexations ou déni de justice, comme en tout pays étrangers où il n'y a pas de consul. De cet état de choses, il resulterait de grands maux, et avant peu, soyez en assuré et croyez en l'expérience que me donnent 14 mois de sejour ici, la consternation et le dégout s'empareraient des colons; plus de travaux; l'ivresse sur tous les points de la colonie, ainsi que le désordre le plus complet. Si, au contraire, vous trouvez bon de prescrire à M. Robinson à attendre l'arrivée de mes instructions, qui assurément ne peuvent manquer d'être conformes à l'esprit de la note de notre chargé d'affaires à Londres, en même temps que vous éviterez de placer la colonie dans la position fâcheuse que j'ai l'honneur de vous montrer, vous me donnerez le plaisir de rendre à votre pavillon, le jour où il sera arboré, les honneurs que lui sont dus, sans qu' aucune commotion puisse avoir lieu, alors que j'informerai les colons, que mon gouvernement ayant reconnu la souveraineté de la Reine, ils doivent, comme moi, se soumettre aux ordres que je recois.

Quant aux douanes, bien que vous m'ayez assuré verbalement que les bâtimens français seraient traités sur le même pied que ceux de la nation la plus favorisée, je suis certain qu' aucun bâtiment du commerce français ne viendra à Akaroa; les baleiniers n'ont pas le droit de vendre quoique ce soit, n'étant expediés de France que pour la pêche, sous peine de perdre la prime du gouvernement s'ils se livrent au commerce en cours de campagne; mais il est arrivé cependant que j'ai permis à quelques uns de donner des secours de vêtemens et de la mélasse aux miserables colons, qui ne peuvent trouver que par ce moyen la défaite de leurs denrées, et désormais s'ils étaient soumis à des droits sur ce commerce d'échange, que deviendraient-ils? Déjà ils ont de la peine à vivre; depuis que la compagnie ne doit plus les nourrir, il ne leur resterait que la ressource de quitter le pays et de retourner en France, ce qui, après les frais énormes faits par la compagnie Nanto-Bordelaise pour les porter et les entretenir ici depuis leur arrivée, serait une ruine complete; car elle n'a fait que detourner sans encore avoir reçu un dénier de l'intérêt de ses fonds; et c'est aussi je crois une consideration à écarter d'autant moins que ce noyau de population ne profitera par suite qu'à l'Angleterre.

Si après avoir pesé mes raisons, votre Excellence peut voir comme moi, je la prie de donner des instructions dans ce sens à M. Robinson, afin d'éviter toute fausse interpretation; mais, si au contraire, malgré mon espoir, elle ne juge pas convenable d'adhérer à mes observations, dictées sans aucune arrière pensée, et avec une franchise sur laquelle je n'ai jamais donné droit d'elever un doute, je n'aurais, le cas écheant, en protestant contre des actes qui me sembleraient dans l'état actuel, que les choses ne sont pas encore terminées ou venues à ma connaissance, je n'aurais, dis je, qu'à deplorer les consequences qui pourraient s'ensuivre, quand il eut été si facile de les éviter en maintenant, quelques jours encore, les choses sur le pied sur lequel elles ont été si bien depuis un an; et j'éprouverais de plus particulièrement et personnellement le bien vif chagrin d'avoir vu, à la fin de la mission que je remplis, cesser la bonne intelligence que je me suis appliqué à établir des mon arrivée, et pour le maintien de laqu'elle ont été mes soins de chaque jour, bien persuadé que cette prudence avec laquelle j'agissais était dans les vues de mon gouvernement.

Je suis, avec un profond respect de Votre Excellence, le très humble et très obeissant Serviteur, le Capitaine de Corvette, Commandant L'Aube, et la Station dans les Mers de la Nouvelle Zélande.

(signé) *C. E. Lavaud.*

A Son Excellence Monsieur le Capitaine Hobson,
Gouverneur de la Nouvelle Zélande.

Enclosure 2, in No. 52.

Akaroa.—Her Majesty's Colonial Brig Victoria,
20 September 1841.

Encl. 2, in No. 52.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 17th instant, in which you represent the advantage that would result to the colonists, and the convenience that may be derived by the representative of Government, Mr. Robinson, from preserving entire the influence

influence you possess over the French emigrants, who are settled at Akaroa, until some definite arrangement has been made between our Governments respecting the various and conflicting claims to the lands in Banks' Peninsula.

Fully impressed with the extent of your influence over the settlers, and deeply sensible of the benefits which have resulted from the judicious and benevolent manner in which you have hitherto exercised it, I feel that I cannot better discharge my duty than by acceding to your proposal, and by giving countenance and support to measures which have so essentially contributed to the tranquillity of this community.

As under existing circumstances there can arise no question respecting the sovereign rights of Her British Majesty over every part of the colony of New Zealand, I willingly forego the exhibition of any authority that can have a tendency to weaken your influence over the minds of the lower class of settlers; I will not, therefore, display the British flag, or publish any proclamation in this settlement unless some pressing and unforeseen event should render such measures requisite.

In reply to your application respecting the importation of goods for the use of the colonists, I beg to inform you that, as Akaroa is unprovided with any establishment of customs, no vessel can be unladen without being first reported at the nearest port of entry, where duties must be paid.

Under the present state of things, however, and to provide for the pressing wants of the settlers, I shall have no objection to allow small supplies to be landed for their use from whale-ships and other vessels casually calling. But it must be distinctly understood that nothing in this concession shall be construed to permit the importation of any spirituous liquors or wines.

I beg leave, in conclusion, to avail myself of this opportunity of returning you my grateful acknowledgment for the prompt and ready assistance you have frequently afforded to Mr. Robinson in suppressing riots which would have exceeded his means to subdue without such support; and I cannot too fully express my thanks for the hospitalities and civilities you have shown to Mr. Robinson and to all British subjects since your arrival in this port.

With high personal consideration and cordial esteem,

I have, &c.
(signed) *W. Hobson.*

A Monsieur Lavaud,
le Capitaine de Corvette, commandant L'Aube,
et la Station dans les Mers de la
Nouvelle Zélande.

— No. 53. —

'No. 53.
J. Stephen, Esq. to H. U. Addington, Esq.
14 July 1842.

COPY of a LETTER from *J. Stephen*, Esq. to *H. U. Addington*, Esq.

Sir, Downing-street, 14 July 1842.

WITH reference to former correspondence, relative to the titles to property of French subjects in New Zealand, I am directed by Lord Stanley to transmit to you, for the consideration of the Earl of Aberdeen, the enclosed copy of a despatch from Governor Hobson, containing a report on the state of the French settlement formed on Banks's Peninsula in the Southern Island, and stating the arrangement by which he proposes to effect the removal of the settlers from thence to the Northern Island. Having referred that despatch to the Colonial Land and Emigration Commissioners, Lord Stanley directs me to transmit to you a copy of their Report. I also transmit for the information of the Earl of Aberdeen, a copy of the address of Governor Hobson to the Legislative Council of New Zealand, with reference to the general settlement of claims to land in those islands.

No. 24.
5 November 1841.

24 June 1842.

No. 42.
16 December 1841.
See page 197.

It appears to Lord Stanley that the French Company should be dealt with on the same principle as if they had been a British company, and that they should be invited as a preliminary step to prove the extent of their claims, with an intimation that their claims to such extent should be allowed in the Northern Island, and that no difficulties should be thrown in the way of their naturalization. In the meantime Lord Stanley would propose, if Lord Aberdeen should approve it, that the enclosed correspondence should be communicated for the information of the French Government.

I am, &c.
(signed) *Jas. Stephen.*

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Encl. in No. 53.

Enclosure in No. 53.

Colonial Land and Emigration Office,
9 Park-street, Westminster, 24 June 1842.

Sir,

We have the honour to acknowledge the receipt of your letter of the 31st ultimo, transmitting to us the copy of a despatch with enclosures from the Governor of New Zealand, relative to a French settlement on Banks's Peninsula, and to the arrangement by which he proposes to effect the removal of the colonists to a northern district in New Ulster.

We have the honour to state for Lord Stanley's information, that the facts connected with this settlement, so far as we can collect them from the papers now transmitted to us, appear to be as follows:—

A company was formed in France in the year 1840, apparently for the object of colonizing New Zealand. They are stated to have purchased a large district, comprising the whole of Banks's Peninsula, and extending along the coast both north and south of the Peninsula. This purchase was made from the captain of a French whaler, who professed to have bought the land from the natives. It is not stated whether the company has again sold to individuals, as is usual with companies in this country, any portion of the territory thus acquired; but they appear to have sent out some mechanics and labourers, amounting to the number of 30, including women and children; and these persons, together with the agent who accompanied them, Governor Hobson, in visiting the southern district of the colony, found established at the port of Akaroa. The agent informed the Governor that 500 more persons had been on the point of embarking for the colony, but were deterred by Her Majesty's Proclamation of October 1840, asserting the sovereignty of Great Britain over the whole of the Islands. We should presume from the tenor of the papers, that Governor Hobson must have anticipated that the operations of the company in establishing their countrymen in the colony would not stop with the introduction of this small number of emigrants, but would be renewed on a scale of considerable magnitude. He is anxious that the settlement should not be permanently formed at Banks's Peninsula, which is a spot far distant from the seat of Government, and from the districts which he wishes to be first inhabited and cultivated. He proposes therefore that the company should first prove before the Commissioner of Claims their title to the particular land they claim, which is apparently much disputed, and then that the privileges granted to the New Zealand Company of this country should be extended to them, and that land in a district of the Northern Island, to be named by him, should be assigned to them in the established proportion to their outlay in colonizing the country. This arrangement was suggested to the company's agent in the colony, who received it favourably, and promised to propose it to his employers, and the Governor pledged himself that if it were sanctioned in this country he would meet the demands of the company by providing 50,000 acres of land situated within a moderate distance of a convenient sea-port. He apparently expects that the French company, should they adopt the views of their agent, will have made a direct application to the British Government to be allowed this method of adjusting their claims, and he accordingly recommends the project to the approval of the Secretary of State.

In considering the arrangement which it is thus proposed to make with the company, we are struck with the apparent disproportion between the amount of land which the Governor would pledge himself to set apart for the satisfaction of their claims, implying an expenditure on their part of more than 12,000 *l.*, and the actual amount of the outlay which from the papers before us it could be inferred had been made. We find no other items of expenditure referred to, than for the purchase of the land from the captain of a whaling vessel, for which it is improbable that a very large sum was given, and for the conveyance of 30 emigrants, consisting of children and adults. If then the allowance of land to be granted to the company is to bear the proportion to their outlay which was fixed upon in the case of the New Zealand Company, and if the expenditure included in the estimate be such only as was incurred previous to the date of the agreement between the Governor and the company, it is probable that the amount of land awarded to the company would be comparatively insignificant. If, on the other hand, it was intended to include in the estimate any expenditure of the company subsequent to the date of that agreement, and still more any future expenditure, the arrangement would appear to be different from that which was made with the New Zealand Company, and would confer upon a foreign company a special privilege and advantage over all British subjects, besides being open to a variety of other objections. We would further remark, that very great difficulty as well as expense would probably attend the examination of the accounts and vouchers of a company resident in France, on the same principles on which those of the New Zealand Company in this country have been inspected, and that a result which should be satisfactory at once to the Government and the company could hardly be expected. The French company however have, we believe, made no communication of their wishes to Her Majesty's Government, nor stated how far the proposed arrangement is acceptable to them, and what probable amount of expenditure they would be enabled to prove. If the amount were as small as there seems reason to suppose, the matter might perhaps admit of arrangement by a composition, which in that case could be offered on a liberal scale. The first step however which should be required of the company on the spot, is that which the Governor says they are quite prepared to take; viz. to prove their title to the land they claim before the Commissioner of Claims. Should they succeed in proving it, we think that, considering that the operations

operations of the company had commenced previously to the declaration of British sovereignty over the islands, it would be right at once to offer to naturalize all those who had been sent out by the company, as well as any trustees or agents whom the company might appoint as their representatives for holding the land which might be awarded to them, and to admit them, as Governor Hobson proposes, to the same advantages, and subject them to the same rules as all British subjects in the adjustment of their claims to land. The next step would be to decide what amount of expenditure they might be allowed credit for; and the Governor would be able under the law which has doubtless passed the Legislative Council, to assign to them such quantity of land as they may have been thus declared entitled to, in that portion of the surveyed districts which may have been set apart for the satisfaction of claims arising in the Southern Island.

Such are the only views that, in the imperfect information at present possessed, we are enabled to offer on the question of the mode of dealing with any claims which the French company may be enabled to advance. We have made no allusion to the topics discussed in the correspondence between the Governor and the captain of the French corvette at Akaroa, as they relate to matters which are beyond our province; nor, for the same reason, to the promise held out by the Governor to the agent of the French company to recommend to the Secretary of State a relaxation of the duty on implements of husbandry which French or German peasants are accustomed to use.

We have &c.,

James Stephen, Esq.
&c. &c. &c.

(signed) *T. Fred. Elliot.*
Edward E. Villiers.

— No. 54. —

No. 54.
H. U. Addington, Esq. to J. Stephen, Esq.
30 July 1842.

COPY of a LETTER from *H. U. Addington*, Esq. to *J. Stephen*, Esq.

Sir, Foreign Office, 30 July 1842.

I AM directed by the Earl of Aberdeen to acknowledge the receipt of your letter of the 14th instant, enclosing copies of a despatch, and its enclosures, from the Governor of New Zealand, and of a letter from the Colonial Land and Emigration Committee, relative to the claims of the French settlers at Banks' Peninsula, and to the proposed removal of those settlers to the Northern Island.

I am at the same time to state to you, for the information of Lord Stanley, that Lord Aberdeen concurs in opinion with his Lordship, as to the propriety of the course which it is proposed in your letter above mentioned to adopt with respect to those settlers, and also in the expediency of communicating the correspondence contained in your letter to the French Government; and I am directed to enclose to you a copy of a despatch upon the subject, which has accordingly been addressed to Her Majesty's Ambassador at Paris.

To Lord Cowley, No. 111. 28 July 1842.

I also enclose to you a copy of a letter relative to the French settlers at New Zealand, which was addressed to the French Charge d'Affaires at this court, in reply to his letter of the 17th of February 1841, of which a copy was transmitted to the Colonial Office by this department on the 26th of February 1841.

To M. de Bourqueney, 27 March 1841.

I am, &c.
(signed) *H. U. Addington.*

Enclosure 1, in No 54.

Monsieur le Baron, Foreign Office, 27 March 1841.

Encl. 1, in No. 54.

WITH reference to my letter of the 26th ultimo, in which I had the honour to acknowledge the receipt of your letter of the 17th ultimo, requesting information as to the intentions of Her Majesty's Government with respect to French subjects residing in New Zealand, who hold titles to property in those islands, I now beg leave to inform you, that I have received from the Secretary of State for the Colonial Department a communication upon this subject, which enables me to make the following reply to your inquiry.

The object of Her Majesty's Government is to ascertain and confirm titles to land already acquired in New Zealand; but in the course of the investigation there may arise claims so extravagant in their extent, and so frivolous in their origin, that it would be unjust to the New Zealanders, as well as to Europeans, to decide at once that all claims, founded upon past transactions, should be admitted without inquiry, and, therefore, a Commission has been appointed to investigate such claims. Her Majesty's Government trust, however, that the decisions of their Commissioner, who will shortly proceed to the colony upon this

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service, will be such as to prevent any complaint on the part of the French settlers, whom it will be the duty of the British Government to protect in their lawful possessions and useful occupations.

I am, &c.

The Baron de Bourqueney. (signed) *Palmerston.*

Encl. 2, in No. 54.

Enclosure 2, in No 54.

(No. 111.)

From Capt. Hobson, 5 November 1841.

My Lord, Foreign Office, 28 July 1842.

2 June 1842.

WITH reference to your despatch (No. 188) of the 10th ultimo, I transmit to you a copy of a despatch from the Governor of New Zealand to the Secretary of State for the Colonies, containing a Report on the French settlement formed on Banks' Peninsula, in the Southern Island, and stating the arrangement by which he proposes to effect the removal of the settlers from thence to the Northern Island. I also enclose to you a copy of a Report of the Colonial Land and Emigration Commissioners upon the contents of Governor Hobson's despatch abovementioned; and a copy of the address of Governor Hobson to the Legislative Council of New Zealand, with reference to the general settlement of claims to land in those islands.

Capt. Hobson. 16 December 1841.

Your Excellency will communicate this correspondence to the French Minister for Foreign Affairs; and you will state to him that Her Majesty's Government propose to deal with the company connected with the French settlers in New Zealand on the same principle as if they had been a British company, and to invite them, as a preliminary step, to prove the extent of their claims, with an intimation that their claims, when proved to be just, will be allowed in the Northern Island, and that no difficulties will be thrown in the way of their naturalization.

From M. de Bourqueney. 17 Feb. 1841.

I also enclose to your Excellency, for your information, copies of a note from the Baron de Bourqueney, of 17th February 1841, and of the answer of my predecessor, having reference to the subject to which this despatch relates.

To —— 27 March 1841.

I am, &c.

His Excellency the Lord Cowley. (signed) *Aberdeen.*

No. 55. Governor Hobson to the Principal Secretary of State for the Colonies. 13 Nov. 1841.

— No. 55. —

(No. 41/29.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,

My Lord, 13 November 1841.

No. 1.

I HAVE the honour to lay before your Lordship the Report of George Clarke, Esq. Chief Protector of Aborigines, on the state of feeling evinced by the native chiefs in and about Port Nicholson, respecting the occupation of lands in that neighbourhood by the New Zealand Company.

From the conflicting and various statements and contradictions which are advanced on this subject, I find it impossible to arrive at any definite conclusion. Nor ought any decision to be come to, until the case is fairly weighed and considered by the commissioner who is appointed to investigate these claims.

To avert, however, the mischievous consequences that would result from any collision between the settlers and the natives, I thought it right to hear the complaints of the natives against the encroachments of the Company; and to pledge the Government to protect the aborigines in the possession of their pas and cultivated grounds, unless it is proved that they have sold them.

According to Mr. Clarke's experience, there is no instance of natives selling their dwelling-places, or cultivated lands, except when they quit the spot on which they are situated; and I certainly have found that to be the custom in every case that has come under my own observation.

At Port Nicholson there are two pas, situated in the most eligible parts of the town, which the agent of the Company has included in the block he purchased from a chief named Warepouri, although they are owned and occupied by other chiefs. The agent of the Company asserts, however, that these other chiefs shared in the payment for the land, and consequently alienated their rights. This the natives most pertinaciously deny; and Mr. Clarke maintains that

that such a proceeding would be completely at variance with native custom, as the two tribes have continued to reside on their pas ever since. The agent for the Company, I suppose, calculating on getting possession has, notwithstanding the native claims, included these pas in the disposable land, and has allowed them to be selected by purchasers. This very dubious step may involve the Company in great embarrassment and litigation, as against any compulsion the natives shall be amply protected by the Government, and they seem perfectly resolute in resisting all offers of compensation.

In other places I fear it will be found that the precipitancy of the Company's agent will involve the Company and the settlers in still greater difficulties: resistance is offered to them in every quarter. At Pororua, which immediately adjoins Wellington, the natives deny the right of the Company, and are prepared to resist them even by force. On the east bank of the Wanganui the same feeling exists; and at Taranaki the powerful tribe of the Waikatos threaten to dislodge the settlers, as they did not buy the land from them, who claim it in right of conquest.

During my stay at Port Nicholson I had an opportunity of meeting many of the resisting chiefs. Those residing in the town of Wellington, who feel that they are completely at the mercy of the white people, rely solely on the Government for support, and say, "If the Governor desert us, we will retire to our original place of residence at Taranaki."

The natives of Kapiti, who claim the land at Parorua, speak out more boldly, asserting that they will surrender their lands but with their lives; and they have already made a show of following up this determination, by interrupting the construction of a road through the disputed lands, and obstructing the communication between Wellington and Wanganui, by tapuing a river over which it was necessary to pass.

On these latter subjects I informed the principal chief, Hiko, that the right of constructing roads through the colony belonged to The Queen; and that, whilst I faithfully supported the natives in their just rights, I would as firmly maintain those of Her Majesty; and that I trusted I should hear no more of such resistance to measures which were intended alike for the benefit of the native and European population. He received this hint with perfect good feeling, and promised that in future no interruption should be offered.

His discussion with Colonel Wakefield respecting his land is fully reported by Mr. Clarke; and, I must say, it left an impression on my mind that he has not sold it.

The natives of Wanganui have followed a very similar course with those of Parorua, as will be seen from the enclosed extract of the police magistrate's report. I have reason, however, to hope that a payment of money will induce these people to forego any further opposition; and the principal chief of the Waikato tribe, Te-whero-whero, has already consented to accept compensation, to the value of two hundred and fifty pounds (250 *l.*), for the claims of his tribe on the lands of Taranaki. No. 2.

I have communicated to Colonel Wakefield that the native pas and cultivations must be respected; and that for the rest, it might be necessary to make further payments to remove all difficulties.

I trust this course will have the effect of preserving harmony between the settlers and the natives.

I have, &c.

(signed) *W. Hobson.*

Enclosure 1, in No. 55.

The Chief Protector's Report of a Visit to *Port Nicholson*.

Encl. 1, in No. 55.

HAVING been directed by his Excellency to accompany him in Her Majesty's Brig Victoria to Port Nicholson, I embarked on the 8th of August, and arrived at Port Nicholson with his Excellency and other officers on the 19th of the same month, when we were visited by some of the native chiefs of the place, who had (as I afterwards learned) been anxiously awaiting the arrival of the Governor, expecting they should be protected from the encroachments of the New Zealand Company on their lands, which they declared had never been alienated.

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On landing at Barrets' Hotel, a number of other chiefs presented themselves to his Excellency the Governor, and after noticing some little occurrences that had lately taken place between them and the white population, they commenced upon the all-absorbing question of their lands, and on his Excellency assuring them that every attention should be paid to the subject, consistent with equity to all parties, they left him perfectly satisfied.

I visited the natives at their pas in and about Port Nicholson, and found them everywhere clamorous and indignant about their lands, they having been given to understand that their pas and cultivations were sold, and nothing could more clearly point out the odious light in which they viewed this assumption than the resistance which, for several months, they offered to what they considered the infringement of the whites upon them, who could not or would not dare to proceed in their survey without being armed. Happily for the settlers of Port Nicholson, the government officers arrived at this crisis, and having pledged the government to assist in an amicable adjustment of their affairs, the Company have been permitted to proceed in their survey without molestation, and the natives to retain their pas and cultivations until a further adjustment could take place.

His Excellency had various meetings with the natives in the presence of the principal agent of the Company, and other gentlemen of Wellington, and invariably, and on all occasions, they declared they had never sold their pas and cultivations, and that unless they were compelled by the Governor to vacate them, they never would. His Excellency proposed compensating them; this was alike unavailing, they declaring they would not leave the places where they had buried their fathers, nor leave the land which had long nourished them and their children; and although the Governor possessed a large share of their confidence, yet so strong were their feelings, and so cautious were they, that they would not give their consent to the erection of a custom-house within their pas. In the various intercourses I had with the natives, endeavouring to elicit the extent of their alienation, they always asserted that they had no intention, nor ever expected that it would be required of them to part with either their pas or cultivations; they thought they would be conferring a benefit, as well as reaping a benefit, by allowing Europeans to cultivate beside them.

And here I would for a moment digress, in order to show the improbability of their ever having parted from the places which they so tenaciously hold. I believe it never was the custom of the natives to alienate a tract of country upon which they were living, unless they intended migrating or altogether abandoning it. The primary object of a New Zealander parting with his land is not only to obtain the paltry consideration which in many cases is given them for their land, but to secure to them the more permanent advantages of finding at all times a ready market for their produce with their white neighbours; but this important end is at once defeated upon the assumption of a total alienation, as claimed by the New Zealand Company; and the natives are at once disgusted with what they consider the grasping disposition of Europeans.

The unvarying statements of the natives on this subject having led his Excellency to assure them that they would not be obliged to leave their pas and cultivations, which they had not alienated, was received by them with great satisfaction.

The natives of Kapiti were a good deal disquieted about a place called Pororua, denying their ever having sold it, and claiming protection in their possessions from Her Majesty's Government.

In the examination of the chief Hiko, in the presence of his Excellency the Governor, the chief justice, Colonel Wakefield, the Rev. O. Hadfield, and other gentlemen, he could not be induced to acknowledge the place ever having been alienated; and according to the statement of the Company's interpreter, who could speak a little of the language, his (Hiko's) consent was not obtained willingly, but he denied ever having signed the deed produced by Colonel Wakefield, while on the other hand a nephew of Colonel Wakefield affirmed he had. One thing, however, appeared evident, that such was the purport of the document produced, that it was calculated to mislead the natives, who were altogether incompetent to trace its designs. Opposition and remonstrance on the part of some of the people who had a real interest in the land was made to the proceedings of the agent of the Company, who still suffered himself to be persuaded that those who opposed him were either slaves or men of no influence; and after having proved the signatures of what he considered the principal chiefs (a very small number compared with the whole of the claimants), assumed at once that a valid purchase had been made; whereas, had the real state of the case been honestly pointed out, and the remonstrances of the more intelligent part of the natives been attended to, the difficulties in which the whole of the transaction is accumulated might have been obviated, and mutual recrimination have been spared; and I would again repeat that it is an improbability, almost amounting to an impossibility, that the natives could have sold themselves out of their possessions to the extent stated by the agent of the Company. How can a transaction with them be valid, without the consent not only of the chiefs but of the occupants of the soil, who, to the amount of many thousands, are still living upon the land claimed by the Company, ignorant of or disbelieving the transaction, who tenaciously cling to the land of their fathers, and who will not leave it except by compulsion? The work which the New Zealand Land Company is said to have accomplished in a few weeks in their purchases would occupy several years time of an agent well qualified to treat with the natives. The extent of evil arising out of this matter has but just been felt, and is accumulating largely, both upon the government and the Company's emigrants, who are by their new stations and towns only plunging themselves into still greater difficulties. I am aware that in England it may be considered that the question may be set at rest by giving the natives a few thousand pounds as a compensation;

pensation; the experiment at the pas will, I trust, convince both the government and the Company to the contrary. The natives, however, have but little chance of living long in the vicinity of such an interested and powerful party as the New Zealand Company; nor is it at all likely that they can escape the disadvantageous inducements which may be held out to them to alienate them from their present possessions, unless the protecting arm of Her Majesty's Government be continually thrown around them by a vigilant and well-timed interference.

There are about 1,000 natives living in the vicinity of Port Nicholson, and 2,000 or 3,000 about the Straits.

Their cultivations have not only supplied their own wants, but have left them a considerable overplus to supply the town of Wellington. There are two native churches at Port Nicholson which are well attended, and a Sunday school; by far the greater part of the natives are Christians. Their habits are sober and orderly, and they are free from dissipation. Instances of dishonesty rarely occur, and they seldom, if ever, call for the interference of the magistrates, otherwise than to protect them from the oppression of the Europeans. It is, however, due to the gentlemen of Wellington to remark, that with the exception of the misunderstanding arising out of the land question, the natives have but little reason to complain of their general treatment from them; cases requiring the interference of the magistrates being generally confined to the lower class of emigrants.

From Port Nicholson we proceeded in Her Majesty's brig Victoria to Karoa, where I found but few natives, but those few manifesting the same anxiety about their land, alleging that they had sold but a small portion, and that they had been informed that the chief of Otago on the one side, and Kampaiaha and Hiko, chiefs of the Straits on the other, had without their consent sold their land to Europeans. The chiefs of Port Livy, two of whom I saw at Karoa, had similar complaints to make, and requested me to inform his Excellency of it, and that his Excellency should regard them as the rightful possessors of the country, the chiefs of Otago having no claim to that part of the island. On our return to Port Nicholson several of the chiefs of that place again visited us, and after presenting his Excellency with a few baskets of potatoes they took leave of us, requesting that they might again be visited by the Governor, saying that they were apprehensive of troubles after his Excellency should leave them.

I have, &c.

(signed) *George Clarke,*
Chief Pro. Abor.

Enclosure 2, in No. 55.

(Extract.)

Sir, Wanganui, Tuesday, 14 Sept. 1841.

Encl. 2, in No. 55.

"On my arrival, however, September 9th, I found that the natives had the day before prevented the New Zealand Company's surveying party from proceeding with their duties, under the idea that they were taking possession of a part of their lands, which they deny having sold. Through the kind assistance of the Rev. Messrs. Hadfield and Mason I was enabled to explain to the chiefs that the party was only measuring the land, and that whatever question there was as to the proprietorship must be decided hereafter by his Excellency the Governor, or commissioners sent by him for that purpose.

They appeared to be perfectly satisfied with this explanation, and allowed the surveying party to proceed; but protested in the strongest manner that they would not allow any one to take possession of the land on the eastern side of the river; they had sold that on the western side fairly, for a distance of about five miles up the river, and 23 along the coast to the N. W.; and they were willing to sell the other side at a fair price. They concluded with the expression, "You may take our land, but you shall break our necks first."

I have, &c.

(signed) *Gilbt Franc. Dawson,*
Police Magistrate.

— No. 56. —

No. 56.
Governor Hobson to Principal Secretary of State for the Colonies, 13 Nov. 1841.

(No. 41/30.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
My Lord, 13 November 1841.

On my arrival at Port Nicholson, in August last, I found that the advancement of that settlement had for some time been considerably retarded, in consequence of the uncertainty which exists as to the validity of the New Zealand Company's claims to the land sold by them to the settlers at Wellington.

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The title of the settlers being consequently insecure, commercial credit was greatly impaired. The pre-emptive right of the Crown, the possibility that a claim prior to that of the New Zealand Company might be substantiated before the Commission of Inquiry, or that the Company's purchases in that neighbourhood might, if not wholly, yet in part, be reported against by the Commissioners, were the principal difficulties in the Company's title.

Anxious to relieve a numerous and respectable body of British subjects from a state of much embarrassment, and having learned from the arrangement entered into with the New Zealand Company, that it was the intention of Her Majesty's Government that there should be granted to them four times as many acres of land as it should be found they had expended pounds in the manner pointed out in that arrangement, I caused it to be notified to the Company's principal agent that, as to the lands comprised in an accompanying schedule, the Crown would forego its right of pre-emption.

Enclosure No. 1, dated 5 Sept.

The few claims that might be substantiated in preference to that of the New Zealand Company, in respect of the lands comprised within their settlement, being made by persons not actually settled on the spot, I deemed it expedient at once to declare should give way in favour of persons actually occupying the land, and that the Company should compensate such previous purchasers according to a scale to be fixed by a local ordinance.

I am happy to say that the assurance thus given to the Company's agent had an immediate and marked effect on the commercial credit of the settlement.

The boundaries marked out, defining the neighbourhood of Port Nicholson, were chosen for the purpose of enabling the Company's agent to make his selections according to the terms of the arrangement entered into with them in November 1840.

Dated 5 Sept.

My letter (marked No. 2), which grants permission to the Company's agent to enter upon any equitable arrangement for removing native claims, and by which the natives are guaranteed against forcible expulsion, was communicated in a separate note, lest, if made public, disaffected persons might induce them to make exorbitant or unreasonable demands.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 56.

Sir, Wellington, 5 September 1841.

Encl. 1, in No. 56. UNDERSTANDING that some doubt is entertained as to the intentions of the Government with respect to the lands claimed by the New Zealand Company, in reference both to the right of pre-emption vested in the Crown, and to conflicting claims between the Company and other purchasers;

It may be satisfactory for you to know, that the Crown will forego its right of pre-emption to the lands comprised within the limits laid down in the accompanying Schedule, and that the Company will receive a grant of all such lands as may by any one have been validly purchased from the natives, the Company compensating all previous purchasers according to a scale to be fixed by a local ordinance.

I have, &c.
(signed) *W. Hobson.*

To W. Wakefield, Esq.
&c. &c. &c.

SCHEDULE of Lands above referred to in Despatch No. 41/30.

Town of Wellington, containing (1,100) eleven hundred acres, in sections of one acre each, numbered from 1 to 1,100 on the Company's Plan.

Town District, including Karoi and Ohiro, containing (5,000) five thousand acres, more or less, in sections numbered on the said Plan 2, 3, and 5 to 52 consecutively, Nos. 1 and 4 being Crown reserves.

Harbour District, containing (6,900) six thousand nine hundred acres, more or less, in sections numbered from 1 to 69 on the said Plan.

Watt's Peninsula, containing (1,200) twelve hundred acres, more or less, numbered on the said Plan from 1 to 11 and 13, No. 12 being a Crown reserve.

Porirua District, containing (10,600) ten thousand six hundred acres, more or less, numbered from 1 to 106 on the said Plan.

Hutt District, containing (6,400) six thousand four hundred acres, numbered from 1 to 64 on the said Plan.

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Seventy-eight thousand eight hundred (78,800) acres, more or less, to be surveyed and allotted by the said Company, in the neighbourhood of Port Nicholson, the boundaries of which neighbourhood are thus declared; viz.

The River "Manawatu," from its mouth upwards to the parallel of the Wahins and Tararua ranges; from thence by the summit of the Tararua range, extending in a general direction about south to the river Hutt; from thence by a line bearing south, by compass, to the summit of the "Turakirai" range, which forms the eastern boundary of the valley of the river Hutt, to the sea at Baring Head.

Fifty thousand (50,000) acres, more or less, to be surveyed and allotted by the said Company, in the neighbourhood of New Plymouth, the boundaries whereof are as follows; viz.

The Coast Line from "Sugar-Loaf Point," extending in a northerly direction 10 miles in direct distance; from thence, a line at right angles with the coast line, eight miles; from thence, by a line parallel with the coast line, 10 miles; and then by a line parallel with the northern boundary to the sea coast of Sugar-Loaf Head.

Fifty thousand (50,000) acres, more or less, to be surveyed and allotted by the said Company at Wanganui, the boundaries whereof are as follows; viz.

The sea coast, commencing one mile westward from the mouth of the river Wanganui, and extending from that point 10 miles eastward along the coast; from thence, a line bearing north by compass, eight miles; then, by a line bearing west, 10 miles; and from thence by a line bearing south to the coast.

Felton Mathew, Surveyor-General.

1 September 1841.

Enclosure 2, in No. 56.

Encl. 2, in No. 56.

Sir, Barrett's Hotel, Wellington, 5 September 1841.

In order to enable you to fulfil the engagements which the Company have entered into with the public, I beg to acquaint you, for your private guidance and information, that the local Government will sanction any equitable arrangement you may make, to induce those natives who reside within the limits referred to in the accompanying Schedule, to yield up possession of their habitations; but I beg you clearly to understand, that no force or compulsory measure for their removal will be permitted.

I have made this communication private, lest profligate or disaffected persons, arriving at the knowledge of such an arrangement, might prompt the natives to make exorbitant demands.

I have, &c.

To W. Wakefield, Esq. &c. &c. (signed) *W. Hobson.*

— No. 57. —

No. 57. Lord Stanley to Governor Hobson, 12 May 1842.

(No. 36.)

Copy of a LETTER from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 12 May 1842.

I have received your despatch of the 13th of November last, No. 30, transmitting copies of communications which you had made to the agent of the New Zealand Company, relative to the Company's title to land sold by them to the settlers at Wellington.

I have to convey to you my approval of your proceedings in that matter.

I have, &c.

(signed) *Stanley.*

— No. 58. —

No. 58. Governor Hobson to Principal Secretary of State for the Colonies, 13 Nov. 1841.

(No. 41/32.)

Copy of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland,

My Lord, 13 November 1841.

I have the honour to report to your Lordship, that I have appointed Richard Davis Hanson, Esq. of Wellington, Port Nicholson, to the office of Crown Prosecutor for that district, at a salary of two hundred pounds per annum (200*l.* per ann.)

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I have also appointed Messrs. Charles Babington Brewer and Robert Roger Strang, Clerks of the Peace and Registrars of the Courts of Requests for Auckland and Wellington respectively, at salaries of two hundred pounds per annum (200 *l.* per ann.).

I have, &c.
(signed) *W. Hobson.*

— No. 59. —

No. 59.
Governor Hobson to Principal Secretary of State for the Colonies, 13 Nov. 1841.

(No. 41/34.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
My Lord, 13 November 1841.

I HAVE the honour to inform your Lordship that a ship, named the Brilliant, arrived at the port of Manukao, on the 28th ultimo, bringing from Scotland twenty-seven emigrants; viz. sixteen men, eight women, and three children.

The principal agent of the Company applied to me for permission to appropriate to their use part of the land which had been purchased from the natives by a Mr. Mitchel in 1835, and resold by his widow in 1839 to Major Campbell, Mr. Roy, Captain Symonds, and others, who formed themselves into a company under the title of the Manukao Company.

The lands in question are situated on the shores of the large estuary of the Manukao, and the extent, which is freely admitted by the natives to have been fairly purchased by Mr. Mitchel, may amount to thirty or forty thousand acres, which forms not one-third of the quantity contained in their deed.

The Manukao Company have sold in England, up to the date of the sailing of the Brilliant, eight thousand five hundred acres of country land in one hundred-acre sections, and eighty-five allotments of one quarter acre each of town-land, for which the sum of nine thousand three hundred and fifty pounds have been received, and of that amount five thousand two hundred and fifty pounds had been reserved for emigration.

Having heard nothing from your Lordship respecting this company I could make no appropriation of the land; but to protect the settlers from the evils that would result from disappointment, I permitted the agent, with the advice of the Executive Council, a copy of whose Minute I have the honour to enclose, to assign to the emigrants, as they may arrive, a settlement on the part of the harbour which has been measured out for a town, there to await your Lordship's directions.

Should your Lordship be pleased to allow them to form a town, I shall beg express directions to that effect, as Her Majesty's instructions specially forbid me to convey, grant, or demise any lands suited for such a purpose.

The formation of a settlement on the Manukao will be of essential benefit to this part of the country, and to the capital in particular; and I see no just objection to this object being effected through the intervention of this company in the same manner as the New Zealand Company have settled Port Nicholson. The port, which is by no means a bad one, will afford a more direct trade with the adjacent colonies; and the estuary, connected as it is, by the rivers Waikato and Orota, with the beautiful country of the Waipa, will become the recipient of the produce of many hundred thousand acres of the finest agricultural land, which will readily find its way into Auckland.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 59.

Monday, 18 October 1841.

Encl. in No. 59. HIS Excellency laid before the Council a letter he had received from Captain W. C. Symonds, agent to the Manukao and Wai-to-mata Company, of date 16th October 1841, requesting permission to locate the emigrants, which are expected to arrive in the barque Brilliant, on a portion of the land claimed by the Manukao Company, without any acknowledgment of the company's right to the land.

It was ordered, That as all persons are entitled to the same advantages as the New Zealand Company, Captain Symonds, as agent of the Manukao Company, must furnish a statement

statement of all monies expended in the purchase of land in New Zealand from the native chiefs and others, in the taking up, chartering and despatching ships for the conveyance of emigrants thither, in the maintenance of such emigrants before and during the outward voyage, in the purchase and transmission of stores for the public use of the settlers collectively on their arrival, in surveys, in the erection of buildings, or the erection of other works dedicated exclusively to the public service of the settlement, and in other heads of expenditure or absolute liabilities unavoidably required or reasonably incurred for the before mentioned purposes, prior to the date of the agreement in November 1840.

(True Copy.)
J. Coates, Clerk of Executive Council.

Tuesday, 19 October 1841.

THE further consideration of the letter received from Captain Symonds was then brought before the Council, when

It was ordered, That the emigrants expected to arrive in the barque Brilliant should be permitted to squat, for a period not exceeding two years, upon lands to be pointed out by the surveyor-general, on a portion of land on the Manukao river.

(True Copy.)
J. Coates, Clerk of Executive Council.

— No. 60. —

No. 60.
Governor Hobson to the Principal Secretary of State for the Colonies, 13 Nov. 1841.

(No. 41/35.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House, Auckland,
My Lord, New Ulster, 13 November 1841.

I DO myself the honour to transmit an address from the inhabitants of Wellington to The Queen, which I beg leave to request your Lordship to present to Her Majesty.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 60.

Encl. in No. 60.

To Her Most Gracious Majesty The QUEEN.

An Address of Congratulation and humble Petition from the Inhabitants of the Town of *Wellington*, at *Port Nicholson*, in *New Zealand*.

May it please Your Majesty,

WE, the undersigned inhabitants of the town of Wellington, in the islands of New Zealand, crave permission, in common with the rest of Your Majesty's loyal subjects, to express those sentiments which have been called forth by a late auspicious event, and which we feel none the less fervently though settled at this extremity of the globe.

The birth of a Princess Royal assures to us, under Providence, a perpetuation of that dynasty which, since the accession of the House of Hanover, has been the safeguard and the pledge of our civil and religious liberties, and of that constitution under whose protection alone we have ventured, so far from our native land, to plant the institutions of our forefathers; in the hope of reclaiming a barbarous people to civilisation, and of adding new lustre to your Crown, by founding another community of that race of which we are members, and of which Your Majesty is the Royal chieftain.

In congratulating Your Majesty and your Royal Consort, and in supplicating the favour of Heaven upon the infant Princess, we venture to declare that, vast and unrivalled as are the power and greatness of the British isles, Your Majesty derives a yet more transcendent glory from being at the head of that colonial empire which includes the maturity or the germs of so many nations, and which involves the destiny of so large a proportion of the human race.

It was in ancient times proved to be the especial function of Englishmen to perform the "heroic work" of founding colonies, and it has been the peculiar happiness of Your Majesty's reign to witness and to foster the revival of that spirit, which was the glory of the greatest female sovereign that ever sat upon the throne of England, and which Your Majesty seems destined to eclipse, by employing greater resources in more promising fields, with no less wisdom, justice, and liberality.

In pleading the vast distance at which we are placed from the sources of information is our humble apology for being, perhaps, the very last of Your Majesty's subjects to lay before the Throne the sincere expression of our loyalty, we crave permission to suggest the same consideration to your Royal mind as a reason for indulgence on all other occasions, and as a just ground for soliciting an extension of Your Majesty's confidence to us, in the

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administration of law and justice, by the establishment of such local powers of government as may consist with your sovereign and imperial authority.

It was solemnly reported to one of Your Majesty's predecessors by two of the greatest luminaries of the law, then speaking officially, that "English subjects carry with them Your Majesty's laws wherever they form colonies," and we pray only that effectual means may be provided for securing to us, on the spot, those sacred and inalienable rights.

We presume to remind Your Majesty, that we have founded this colony without the slightest aid from the public treasury; that we have secured for Your Majesty's navy the most commanding position in the South Seas; have opened a new market for British manufactures, and a vast and fertile field for the surplus population of the mother country; and disclaiming all bounties, all privileges, and all pecuniary assistance, we pray only for the power of managing our own local affairs, by means of such municipal institutions as have already been promised to us by one of Your Majesty's representatives, the Governor of New South Wales.

We thank Your Majesty sincerely for the establishment of these islands as a distinct and independent colony; for the just and liberal terms conceded to that Company under whose auspices we have settled here, and for the promise of a municipal charter for our district; but, at the same time, we humbly submit that we can derive but little benefit from the administration of a Government which is fixed at a remote part of this island, in a place at present uninhabited, and distant at least 500 miles from the district preferred for settlement, and now occupied by the great mass of the British population.

We pray, therefore, that Your Majesty will either instruct Your representative and his officers to take up their residence where the population and wealth of the colony have concentrated themselves, and which Nature, by the judgment of all impartial men, points out as the proper seat of Government, or that Your Majesty will be pleased to provide a sufficient substitute, by granting us the most ample powers of legislation and administration, as a municipality, or by such other arrangements as may seem fit to Your Royal wisdom and justice.

The congratulations and entreaties are humbly submitted to Your Majesty,

By, &c.

(signed)

E. M. Chaffers, R. N.
Geo. Hilliard, Surgeon.
Thos. M. Partridge.
R. Davies Hunson.
W. M. Smith, Capt. R.A. Surveyor Gen. N. Z. C.
Wm. V. Brewer, Barrister-at-law.
A. W. Renall.
J. A. Knight.
Chas. Kelly.
Geo. Crawford.
Wm. Sandon.
Geo. Wilkin.
Dan. Munn.
J. B. Hind.
Jos. Thomas.
James Sillar.
Geo. T. Leisk.
Kenneth Bethune.
Geo. Hunter.
Rich. Davy, B.A.
Jas. Santry.
Sam. Revans.
Donald M'Donald.
Adam C. M'Donald.
D. Donald, for myself on 45 Saternnion on the Parmma Road.
J. Wade.
Geo. Wade.
Chas. H. Squibb.
Jas. Jackson.
J. D. Greenwood.
D. Johnson.
Jas. Wilson.
Rich. Burton.
Alfred Todd.
Dan. Riddiford.
Jabez Dean.
A. Ludlam.
Jno. Smith, manager of Union Bank.
Francis T. Yates.
Andrew Duncan.
Wm. Bannister.
Jno. Bryce.
Thos. Hugh.
Thos. Waters.
J. H. Benar.
Thos. Sanderson.
Thos. Cook.
Jos. Miller.
Jos. Canning.
E. Jerem. Wakefield.
Wm. Jones.
J. E. Featherston.
Jno. Allan.
J. C. Churton.
C. W. Cameson.
Fred. Wm. Platt.
Arch. Millan.
J. Loughlin.
W. H. Bottomby.
Jno. T. Gume.
Jas. Stoddart.
Jno. M'Farlane.
Jno. Cameron.
Jno. Robinson.
Chas. Heappy.
Luke Nathuss.
T. A. Molesworth.
Jas. Watt.
Jno. Dorset.
Michael Pilkington.
Wm. Gryton.
Robert Waitt.
Robert B. Tyson.
Arch. Milne.
Chas. Large.
Arch. Anderson.
R. Hanay.
Donald Ferguson.
Chas. Wm. Kefe.
H. W. Wrington Burt.
Henry W. Dunn.
Francis Bradley.
Andrew Turner.
Robert Brunks.
Alexander Stuart.
J. H. Greenwood.
Geo. Scott.
Thos. Clambutt.
Jno. Ferguson.
Wm. Golder.
W. Wakefield.
J. T. Waksteed.
Fred. Jno. Knox, M. D.
Robert R. Stracey.
David S. Durie.
J. M. Stokes, M. D.
Geo. Moon.
Alfred Hodges.
J. Lewis.
Richard Baker.
G. S. Evans, D. C. L. J. P.
W. B. Rhodes, Merchant.
Chas. E. Von Alsdorf.
Robert Stokes.
David Lewis.
Henry S. Hill.
Jas. Smith.
Edward Johnson.
Francis Healy.
Adam Rind.
Jas. Hair.
Isaac Ridgway.
W. Hay.
J. Cruickshank.
Henry Morris.
Richard Ball.
G. W. Burnett.
Jas. Spicer.
Wm. Murray.
Jno. B. Reading.
Moses Campbell.
Wm. G. Bell.
John Murray.
A. S. Sheridan, M. D.

— No. 61. —

(No. 37.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

No. 61. Lord Stanley to Governor Hobson, 13 May 1842.

Sir, Downing-street, 13 May 1842.

I HAVE received your despatch (No. 35), of the 13th of November last, enclosing an address to Her Majesty from the inhabitants of Wellington, at Port Nicholson, of congratulation on the birth of the Princess Royal, joined to which is a petition, that Her Majesty will either instruct her representative and his officers to take up their residence where the parties signing the requisition allege that the population and the wealth of the colony have concentrated themselves, and which, they assert, Nature, by the judgment of all impartial men, points out as the proper seat of Government, or that Her Majesty will be pleased to provide a sufficient substitute, by granting to them the most ample powers of legislation and administration as a municipality, or by such other arrangements as may seem fit.

You will acquaint the inhabitants of Wellington, from whom this address and petition proceed, that I have laid them before The Queen, who was pleased to receive them very graciously; and that Her Majesty has been pleased to command me to express her sense of the efforts which they have made, and the success which appears to have attended them in the formation of a thriving settlement, and to assure them that she has issued such instructions to her representative in the colony as will secure to them the advantages which they desire in the administration of justice and the management of their local affairs.

I am, &c.
(signed) *Stanley*.

— No. 62. —

(No. 41/36.)

No. 62. Governor Hobson to the Principal Secretary of State for the Colonies, 4 Dec. 1841.

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Auckland, New Ulster,
My Lord, 4 December 1841.

I HAVE the honour to recommend to your Lordship's attention the state of trade in this colony, and to request earnestly that your Lordship will extend to these islands such indulgence in the few articles of exportation we can send from here as a remittance, as may be compatible with the interests of the mother country.

The only exports from New Zealand are wood, phormium tenax, or New Zealand flax, pork, potatoes, maize, sulphur and oil; the whole of which, with the exception of wood and oil, are so insignificant in their quantity, as not to be worthy of estimation.

The timber of the northern parts of this island is certainly a valuable article of export, and there are still some forests untouched; I hope there will be no objection to its reception in England at the lowest rate of duty.

The most important article we can hope to export is oil, and it is for this I would pray your Lordship's indulgence. First, I beg leave to propose that every encouragement, consistent with the law and the security of the revenue, should be given to foreign whaling ships, which have long been in the habit of frequenting our harbours, and that they be permitted to barter their oil for repairs and supplies, which oil should be received for home consumption in the colony on payment of the *ad valorem* duty of 10 per cent., or be warehoused for exportation in British ships, to be sold in the continental markets of Europe, or in ships belonging to the same country as those from which it may have been landed.

The privilege of warehousing goods on bond was of necessity sanctioned by me from the 1st July 1841, to relieve the colonists from the effect of the Act of the Council of New South Wales, 4 Vict., No. 19, of 1840, which obliged the holders of spirits to pay the duties on their stock, then on hand, but with which they were utterly unable to comply.

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This measure, however, does not extend to oil, and I have now most respectfully to solicit that the ports of Auckland, Wellington and Russell, be proclaimed free ports, and free warehousing ports for every purpose; and that the course I have adopted with respect to the stock on hand, on the first imposition of duties, may receive your Lordship's sanction.

The oil taken on the coast of New Zealand only pays the expense of saving it under the best and most economical management, and chiefly finds its market in the adjacent colonies, in which most of the speculators in the trade reside. Some of the gentlemen, however, who emigrated under the auspices of the New Zealand Company, have set up whaling establishments; but I fear all have lost money, and have subsequently given them up.

The phormium tenax, or New Zealand flax, will I hope ere long form a valuable export; but at present its preparation has nearly ceased, owing to the difficulty of inducing the natives to dress it on any terms that would yield a profit to the merchant. Many ingenious individuals have invented machines for separating the fleshy substance of the plant from the fibre, but none that I have seen or heard of have as yet attained sufficient perfection to render the flax clean enough to be marketable.

The natives raise a considerable quantity of pork, potatoes and maize, which although it does not contribute much as a return for imports received from New South Wales and Van Diemen's Land, yet provides the colonists with an ample supply of food, and in fact relieves them from the necessity of applying to their neighbours for articles of primary necessity.

The existence of sulphur in favourable situations around Mercury Bay has lately been taken advantage of to ship off about 80 tons of that mineral in the Planter for the English market. Whether this will pay the expense of transit remains yet to be proved.

I believe there has not yet been discovered any other article, indigenous in New Zealand, that could be made available for export.

When labour is more abundant many minerals may be discovered, the existence of which has often been reported. And I know there is a most excellent and durable black dye extracted from the bark of the hinau, which promises to become highly valuable hereafter.

In this enumeration your Lordship will perceive that there is no article, the produce of this country, which will form an export, except timber, in favourable situations, unless an indulgence be granted in favour of foreign-caught oil, which the colonists only seek to send to England for exportation.

I need not here remind your Lordship that a new colony has to struggle against every species of difficulty; that no trade actually takes place, except an interchange between the settlers, which impoverishes one portion just in the same degree as it enriches another; and that unless your Lordship takes a favourable view of my suggestion, and creates an export trade for the relief of those who have to remit largely in return for the goods they import, the colony must soon be stripped of its capital, and universal bankruptcy must follow.

I do not however take a desponding view of our circumstances. I trust it is only in our first struggles that we shall be obliged to trespass on the mother country for indulgences, and that hereafter the industry and enterprise of the settlers may develope ample sources of wealth to repay them for their adoption of a new country with all its toils and privations.

I have, &c.
(signed) *W. Hobson.*

— No. 63. —

No. 63.
Governor Hobson to the Principal Secretary of State for the Colonies, 12 Dec. 1841.

(No. 41/38.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

New Zealand, Government House, Auckland,
New Ulster, 12 December 1841.

My Lord,

REFERRING to my despatch (No. 41/36,), I have the honour to lay before your Lordship a copy of the instructions I gave to the sub-collector at Wellington, respecting the partial importation of foreign-caught oil for home consumption

consumption in the colony, in payment for repairs and supplies rendered to foreign whale-ships in that port.

From the frequency of foreign whale-ships presenting themselves at the different ports of New Zealand in a state of great distress, in want of supplies and repairs, with a large portion of their crew affected by scurvy, and in all cases without the command of funds, I judged it most expedient to extend this indulgence to all parts of New Zealand, to meet such a contingency whenever it may arise.

I trust the course I have adopted may meet your Lordship's approval.

As a matter connected with the trade at Wellington, I have the honour to enclose in this despatch the copies of two notes which passed between Colonel Wakefield and myself, respecting the stores which were provided in London for the use of the crews and passengers on board the barques Whitby and Will Watch, and the brig Arrow, which, as I directed, were treated with every consideration by the sub-collector.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 63.

Sir, Wellington, 3 September 1841. Encl. 1, in No. 63.

A REPRESENTATION having been made to me that the American and other foreign vessels engaged in the whaling trade frequently visit this port in want of supplies and repairs, and that in every case they are destitute of any other means of providing for their disbursements than by selling a portion of their oil: Deeply impressed with the advantages which would result to the settlers of this infant colony from encouraging the resort of whaling ships of all nations to its ports, and following the practice which I understand to prevail in New South Wales, you are hereby authorized to sanction the importation of such quantities of foreign-caught oil as may appear necessary to defray the cost of the supplies or repairs above referred to, taking especial care that both the amount of supplies and repairs, and the value of the oil, are accurately determined and certified by two respectable merchants.

It is, however, clearly to be understood that such oil shall be received for consumption in the colony, subject to a duty of 10 per cent. *ad valorem.*

I have, &c.
(signed) *W. Hobson.*

To the Sub-collector of Customs
of the Town of Wellington.

Enclosure 2, in No. 63.

Sir, Wellington, 27 September 1841. Encl. 2, in No. 63.

I TAKE advantage of your Excellency's presence in this port at this time to represent to you the following circumstances.

There are now lying at anchor here three vessels, the barques Whitby and Will Watch, and the brig Arrow, chartered by the New Zealand Company. They contain various stores and implements for the use of the surveyors instructed to lay out a settlement for a body of colonists expected to leave England this month.

The exact situation of the intended settlement is as yet unknown, and none of the passengers by these vessels have landed with the intention of remaining at this place. The collector of customs claims duties on the articles subject to them before the vessels can proceed to their destination, and otherwise requires the observance of all the forms known in recognized ports.

Considering the nature of the enterprise on which these vessels are bound; that they only called for instructions and made a rendezvous at this place, and that the persons in charge of them had no knowledge when they left England that a custom-house was established here, I venture to solicit your Excellency to instruct the collector of customs to dispense with the regulations enforced as regards vessels bringing passengers and cargoes to be disembarked here, and that no advantage should be taken of any informalities committed by the masters, who, in ignorance of the regulations now in force, have rendered themselves liable for duties on their ships' stores now remaining and those expended on the voyage.

I have, &c.
(signed) *W. Wakefield,*
New Zealand Company's Principal Agent.

His Excellency Governor Hobson,
&c. &c. &c.

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Encl. 3, in No. 63.

Enclosure 3, in No. 63.

H. M. Colonial Brig Victoria,
Sir, Port Nicholson, 28 September 1841.

I HAVE the honour to acknowledge the receipt of your letter of the 27th instant, relative to certain vessels now in the port of Wellington being subject to customs dues and regulations.

In reply, I am directed to inform you, that his Excellency has already given instructions to the sub-collector to permit vessels which arrive at Port Nicholson from Great Britain, in their passage to other settlements in New Zealand, to proceed on their voyage, on payment of the necessary duties, without their cargo being discharged at Wellington.

But his Excellency does not consider it advisable to grant any further authority to depart from the general rules of the department, before referring the matter to the collector of customs for the colony.

In the meantime his Excellency has directed the sub-collector, as far as the regulations under which he acts will allow, to avoid taking advantage of any informalities on the part of masters of vessels which may have arisen from the causes referred to in your letter.

I have, &c.
(for the Colonial Secretary)
(signed) *Edward Shortland*,
Private Secretary.

W. Wakefield, Esq.
Principal Agent of the New Zealand Company,
Wellington.

— No. 64. —

No. 64.
Lord Stanley to Governor Hobson, 12 August 1842.

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 12 August 1842.

I HAVE received your despatch, No. 36, of the 4th December last, bringing under the consideration of Her Majesty's Government the state of the trade of the islands of New Zealand. I have also received your despatch, No. 38, of the 12th of December, forwarding copies of the instructions given to the sub-collector at Wellington, relative to the importation of foreign caught oil for consumption in the colony, in payment of supplies rendered to foreign whale ships in that port, and transmitting copies of a correspondence with Lieutenant-colonel Wakefield, respecting certain indulgences which he had solicited for the Company's ships, in regard to the payment of customs' duties.

12 August 1842.

I referred those despatches for the consideration of the Lords Commissioners of the Treasury, in communication with the Lords of the Committee of Privy Council for Trade, and I transmit to you, for your information and guidance, a copy of a letter from the Secretary to the Board of Treasury on the subject.

You will observe that the Lords Commissioners have requested the Lord President of the Council to cause the requisite order to be submitted for the approval of Her Majesty in Council, for constituting the ports of Wellington, Auckland, and Russell, in the settlements in New Zealand, free ports, in conformity with the provisions of the 2d and 81st sections of the 3 & 4 Will. 4, c. 59.

At the same time it is to be observed, that the warehousing of goods at those, as well as other ports in New Zealand, is provided for by the Colonial Legislative Enactment, No. 3, which was transmitted with your despatch, No. 1, of the 27th July 1841.

You will further perceive that the Lords Commissioners of the Treasury have intimated that they see no reason to object to the instructions given to the officers of the customs in regard to the admission of foreign caught oil for consumption in the colony, as reported in your despatch of the 12th December, nor do they object to the observance of certain forms being dispensed with, in the case of vessels chartered by the New Zealand Company, which had entered the port of Wellington as a rendezvous for instructions.

I have further to call your attention to the fact pointed out in the enclosed letter, that oil of foreign fishing, landed and charged with the import duty of 10 per cent. in New Zealand, or warehoused in the colony, would not entitle that article, upon its arrival in this country, to admission as oil of British taking, or curing; but that it would be liable, after the 5th July 1843, to the higher rates

rates of duty provided by the recently passed Act, cap. 47, of the present session, previously to which period the duty of 26*l.* 12*s.* per tun would be levied, under the provisions of the Act 3 & 4 Will. 4, c. 56.

I am, &c.
(signed) *Stanley.*

Enclosure in No. 64.

Encl. in No. 64.

Sir, Treasury Chambers, 12 August 1842.

THE Lords Commissioners of Her Majesty's Treasury having had under their consideration the despatches from the Governor of New Zealand, with the other documents which were transmitted with your letters of the 13th and 14th of June last, relative to the trade with those settlements, I am directed to acquaint you, for the information of Lord Stanley, that their Lordships have requested the Lord President of the Council to cause the requisite order to be submitted for the approval of Her Majesty in Council, for constituting the ports of Wellington, Auckland, and Russell, in the settlements in New Zealand, free ports, in conformity with the provisions of the 2d and 81st sections of the Act 3 & 4 Will. 4, c. 59. I am likewise directed to observe that the warehousing of goods at those, as well as other ports in New Zealand, is provided for by the colonial legislative enactment which was communicated to their Lordships by your letter of the 26th of February last.

Their Lordships see no reason to object to the instructions given to the officers of the customs in regard to the admission of foreign caught oil for consumption in the colony, as reported in the despatch from the Governor, dated the 12th of last December; nor do they object to the observance of certain forms being dispensed with, in the case of vessels chartered by the New Zealand Company which had entered the port of Wellington as a rendezvous for instructions.

Referring, however, to the subject first mentioned, their Lordships think it advisable, with a view to prevent any misconception, that the Governor should be apprised of the fact that oil of foreign fishing, landed and charged with the import duty of 10 per cent. in New Zealand, or warehoused in the colony, would not entitle that article upon its arrival in this country, to admission as oil of British taking, or curing; but that it would be liable, after the 5th of July 1843, to the higher rates of duty provided by the recently passed Act, c. 47, of the present session, previously to which period the duty of 26*l.* 12*s.* per tun would be levied, under the provisions of the Act 3 & 4 Will. 4, c. 56.

I am, &c.
James Stephen, Esq. (signed) *C. E. Trevelyan.*

— No. 65. —

No. 65.
Governor Hobson to the Principal Secretary of State for the Colonies, 13 Dec. 1841.

(No. 41/39.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
My Lord, 13 December 1841.

I HAVE the honour to forward for your Lordship's information a report of the acting surveyor-general, on the situation of the port and town of Wellington, in Port Nicholson.

As to the capabilities of the port, I am of opinion that few places can surpass it; but the entrance is rather difficult to distinguish, and appears very dangerous to a stranger. A more general knowledge of the coast, however, and a lighthouse on one of the heads, will obviate these difficulties.

If any objection to the harbour exists, it is that the estuary is too extended, and the violent winds which prevail occasion a most turbulent sea at the anchorage. The approach to the shores also is shallow, and will require rather long wharfs to facilitate the lading and unlading of ships.

In the general description of the town and its environs, I perfectly agree with the acting surveyor-general, who pronounces the town to be sacrificed to an erroneous principle, and the country as most difficult of access, with very little available land within the space described by the chain of mountains which surround the port. The valley of the Hutt, which is included within the circle, is an exception to this rule; in that district, twenty-five thousand (25,000) acres of rich land may be redeemed by clearing away the heavy timber with which it abounds.

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In laying out and disposing of the town allotments, there has been no attention whatsoever paid to the selection of reserves for public purposes. The Company were obliged by their engagements to furnish eleven hundred (1,100) acres for purchasers, and every available spot was seized upon for distribution. Indeed, many places which were wholly inaccessible were marked out and sold perhaps as the blanks in the lottery by which the selection was regulated.

I have selected those little spots marked pink on the map, as the only ones left whereon to erect places of worship, for which no provision has been made, a court-house, a gaol, a barrack, two markets, police stations, and watchhouses. But none of these, except the barrack, are in situations I would have selected if I had had a more extended choice. The principal market-place is situated on a spot where it was proposed to construct a basin for vessels, but which was altogether unfit for the purpose.

Mr. Mathew also remarks on the Southern Island, which he visited with me, and he gives an account of it in full accordance with all we saw and heard of that country.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 65.

Surveyor-general's Office, Auckland,
20 October 1841.

Sir,

Encl. in No. 65.

In accordance with verbal instructions from his Excellency the Governor, I have the honour to submit for his Excellency's information a few remarks which have occurred to me on the subject of the land at Port Nicholson, reserved by the New Zealand Company for public purposes, as well as on the aspect and capabilities of the country generally, so far as they were brought within the range of my own observation during my recent excursion with his Excellency to the southern district of this island.

The qualities of Port Nicholson as a very safe, convenient, and accessible harbour, are now so much better known than formerly, that it would be almost superfluous for me to offer any observation on the subject, more especially as his Excellency's personal acquaintance with the spot, and his superior judgment on that point, enable him to form his own opinion; it will be sufficient therefore to observe, that the harbour appears to be in every respect unobjectionable.

The town itself is advantageously situated around the shores of that indentation of the port which is distinguished by the name of Lambton Harbour, and presents a very eligible site for a town of moderate extent. There is a very beautiful flat, known as Thorndon Flat, having an area of probably 50 acres, forming the northern portion of the town; and at the head of the bay there is an extent of about 300 or 400 acres of level and undulating land, highly favourable for the purpose for which it is intended.

On that part of the shore which intervenes between these two flats, the spurs from the mountain ranges close in upon the harbour, leaving a space barely sufficient for the erection of houses, and for a carriageway between the base of the hills and the water's edge.

The water, however, in this part of the harbour is very shallow, and at a comparatively trifling expense a considerable extent of land may be recovered, which at a future time will become highly valuable as a site for a custom-house and other public buildings, and for commercial purposes.

Immediately behind the two flats already spoken of, the land rises suddenly into bold and rugged hills of very considerable elevation, thickly covered with timber and brushwood, and intersected by deep ravines, of so steep, broken, and impracticable a nature, as to render the back country exceedingly difficult of access.

A very considerable portion of the town is laid out (or supposed to be laid out) on land of this description, where it would be difficult to find a sufficient extent of even tolerably level ground on which to erect a house.

On the whole, the site of the town is certainly admirably adapted to the purpose, and would afford ample space for one of considerable extent, and for the accommodation of a very numerous population, had the character of the ground and the local advantages been properly estimated and judiciously taken advantage of: I consider it a magnificent site completely destroyed, and it appears to have been sacrificed to the absurdity of laying out a plan on a sheet of paper, and restricting the size of the allotments to an acre, an extent which is far too large for the purpose required, and is calculated only to promote that greedy spirit of speculation in town allotments, with which most new colonies are unfortunately rife. Had the plan for disposing of land in this town been such as to admit of allotments, varying in extent from an eighth of an acre upwards, and had the two portions of flat land, which I have alluded to, been judiciously laid out, they would have been amply sufficient to accommodate a very large number of inhabitants; the population would have been more condensed, instead of being scattered along a beach of two miles in extent,

and

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and an allotment of smaller size would have been far more valuable to the proprietors (excepting in favoured situations) than one of an acre, according to the present arrangement. By that arrangement a small number of the proprietors have large allotments of great value, while very many of them have such as, from the character of the land, can never be available for any purpose whatever. Another and most serious disadvantage attendant on this system is, that the natural features of the ground being neglected, the streets are carried across ravines, and over rugged and impracticable ground, which cannot be made passable but at an enormous expense.

In examining the reserves left by the New Zealand Company, it becomes evident that no consideration has been given to the various public purposes for which these reserves may at a future time be required, but that such portions only have been retained as, from having a greater or less area than an acre, have not been found suitable for appropriation among the shareholders; the reserves are, as a necessary consequence, insufficient in number, some of them very limited in extent, and many very ill adapted to the purposes for which they will probably be required; I have however thought it desirable to make such an arrangement for their appropriation as appeared to me most advantageous, and as the future circumstances of the town may appear likely to require.

This arrangement is shown in the accompanying plan of the town. *Vide Plan.*

AAA. Reserves for market places; of these, three will at some future time become necessary, and the only suitable spots are those which have been selected; that on Thorndon Flat is occupied by an extensive native pah, which the natives have not alienated, nor do they manifest the slightest inclination to do so, otherwise it is well adapted to the purpose.

The second was originally intended for a basin, an idea suggested probably by the swampy character of the ground around it; but besides that, such a project is of very questionable advantage; no other place can possibly be found for a market place in this part of the town, and its appropriation therefore to that object would become a matter of necessity; the third spot selected by me, is at the southern extremity of the town, where such a place will certainly be required if it should ever by any remote possibility extend in that direction; the character of the ground, however, in this part is so unfavourable, that I could not have thought of making such a selection for the purpose, had any other spot been opened to me.

B. Reserved for the court-house; this is an eligible situation, midway between the two extremities of the town, affording also a sufficient space for a receiving watch-house and other necessary buildings.

C. Gaol. This is a very desirable spot for the purpose, being on the elevated ground, close to the water, in an airy situation, and adjoining the military barrack; this would also eventually become the most suitable place for the courts of law, in immediate proximity to the gaol; and there is here ample space for the erection of the necessary buildings.

DDD. Sites for Watch-houses. These places have been selected as the only ones which present themselves, but they are by no means sufficient in number for a town of such extent.

E. Public Offices, and

F. Military Barracks. Both of these are very eligible situations for their respective purposes; the latter in particular appears to present many advantages for a military post, should such an establishment ever be required at Wellington; the ground is of moderate elevation, commanding a view of the whole town, airy and easy of access, having abundance of water at hand; easily defensible, and having sufficient space for a very convenient parade ground.

GG. Abattoirs. No suitable spot can be found for this purpose, one so highly essential in a large and populous town; the probability therefore is, that the present most objectionable practice of slaughtering animals in the middle of the town may be perpetuated.

H. Government Domain. This portion of land is occupied by the Company's principal agent; it is well suited for the residence of the police magistrate, or other representative of the Government at Port Nicholson; but as it is only five acres in extent, and is situated in the very centre of the town, overlooked from every part, it is utterly unfit for a Government domain.

I. This spot is well suited for a signal station; it commands an uninterrupted view of the approach to the harbour, and will be visible from all parts of the town.

K. Custom-house.—This spot was originally intended for a public landing-place, and being situated in what constitutes at present the most commercial part of the town, it would have appeared a desirable situation also for a custom-house; but it is occupied by a native pah, which the natives manifest the most decided determination to retain in their own hands. The best situation ultimately for a custom-house, will be that previously adverted to, between Pipetea Pah and Te-Aro, and in front of Lambton Quay, which must be recovered from the water.

LL. The site for the cemeteries is objectionable only as being too much in the centre of the town.

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MNOP. Intended for places of worship for the four principal denominations of Christians; they present by no means eligible sites, but are the best and only ones that can be found.

The above appropriation of the reserved lands leave no place for the erection of public pounds, for a cattle market, or for any other purpose which may be required; the extensive reserve around the whole town (shown on the plan) being, from the inaccessible character of the ground, totally unavailable.

In adverting to the resources of Port Nicholson, and its capabilities as an agricultural district, it is necessary to observe that the harbour is, with the exception of the opening of the valley of the River Hutt, entirely surrounded by loftly hills, in most parts thickly timbered and very difficult of access. The ravines by which these hills are intersected are very rugged and precipitous; the small proportion of good soil which exists, is scattered in very small patches, suited only to native cultivation, and varying in extent from half an acre to one and two or three acres.

The land generally (with the exception of the valley of the Hutt, of which I shall speak hereafter), is certainly of a very inferior description, and would not in my opinion pay for cultivation, especially considering the expense of clearing.

This character of country prevails on the western side of the harbour entirely to the inlet of Porirua, distant about 18 miles; and on the eastern side of the port the hills are more lofty, and the soil still more sterile, but in many parts free from wood. A track has been cut through the forest as far as Porirua, which is looked upon as the principal outlet from Port Nicholson, and the great means of communication with the interior of the country. The ascent, which commences at the northern extremity of the town of Wellington, where there is a native pah called Kai-warra-warra, is exceedingly abrupt and difficult, so much so as to be very laborious even for a horse; and it could never be made available for a wheel carriage of any description, but at an enormous expense. A better line for the ascent may I think, be marked out, but the rise from the beach is so sudden, and for the first mile and a half so steep, that great labour must be expended in the formation of a tolerable line of road. On reaching the summit of the range, the track descends with almost equal abruptness into a deep and rugged ravine, which forms the channel of a creek, whose waters flow into the harbour of Porirua. The track is carried along the side of the ravine, at a greater or less elevation, until it terminates at Porirua. It would be difficult, in my opinion, to select a worse line of road than this for the first 10 or 12 miles; in forming it the side cutting round the spurs of the hills would be exceedingly laborious, and very difficult and expensive to keep in repair; while the number of bridges which would be required to cross the numerous tributaries which feed the principal stream, would be a source of endless expense and trouble.

At a distance of about 12 miles, the road descends into a flat of very good land, heavily timbered, but of very limited extent. I have no doubt that a much better line of road than this may be discovered, and probably in time, as the country is thrown open, and public attention is directed to this point, an object so important to the interests of the settlement will be attained. It is, however, impossible to conceal the fact, that the great elevation of the hills, and their sudden and precipitous rise from the very shores of the harbour, present a difficulty which cannot be surmounted without a very considerable expenditure of labour and money.

Another road has been partially formed, and is now in progress along the western shore of the harbour, from Wellington to Petoni, a settlement at the mouth of the river Hutt. This work is executed at the expense of the New Zealand Company, such emigrants being employed on it as are unable to procure work elsewhere. During my stay at Port Nicholson, there were from 50 to 70 men employed; the road, where completed, is about 12 feet wide; there is a good deal of side cutting, the rocks being very steep, close to the water's edge; there are several small bridges erected, and when finished it will afford a very desirable and excellent means of communication between the town and the settlements on the Hutt. The rock through which the road is partially cut consists of a coarse friable whinstone, which presents on the spot the best of material for road making. The expense will be considerable, but it is altogether a very creditable work. I very much regret that I had not an opportunity of personally examining the valley of the Hutt, further than the settlement of Petoni, which is situated at its mouth; the course of the river may, however, be so distinctly traced from the summit of some of the hills in the neighbourhood of the town, that to a practised eye it is by no means difficult to estimate the extent of the valley with considerable accuracy.

The opinion I should thus form of its extent, and that which I should entertain of its capabilities, derived from my general knowledge of land of a similar character in New Zealand, are fully borne out, and confirmed by the best information I could collect on the spot. From the mouth of the river to the base of the snowy Tararua range I should estimate the distance at 30 or 35 miles; but at 10 or 12 miles the valley perceptibly contracts, and presents little more than the bed of a mountain stream. At Petoni its breadth is about three miles, and at the distance I have mentioned above its mouth (viz. 10 or 12 miles) it is not more than a quarter of a mile wide. If therefore the extent of available land within the valley be estimated at 30 square miles, or about 20,000 acres, it will be a very liberal calculation. The whole of the land is very heavily timbered, but as the species of pine called kahikatea is very abundant, and is the wood chiefly used for building purposes, the profit derived from the sale of it very much diminishes the expense of clearing, which would otherwise be very great. The land in this valley, as in all similar situations in New Zealand, is of the finest description.

I have

I have thus endeavoured to convey, for his Excellency's information, an idea of the impressions which I have derived from a very careful examination of Port Nicholson and its immediate neighbourhood, to the utmost extent which my means and opportunities would allow. A more beautiful and romantic spot it would be difficult to conceive; a finer harbour could not be desired; but it is in vain to deny that the great difficulty of opening a means of communication with the interior presents a very serious objection; and that from the limited extent of land available for agriculture in its neighbourhood, it is not calculated to support a very numerous population.

These circumstances, combined with the fact of probably four-fifths of the town and a large proportion of the country sections being in the hands of non-residents, will tend very much, it is to be feared, to retard the advancement of the settlement.

A limited extent of available land is now about to be thrown open on the River Wanganui, a distance of 130 miles from Port Nicholson, and a fine tract of country is also to be allotted by the New Plymouth Company at Taranaki, distant by the coast about 280 or 300 miles.

But whether Port Nicholson will become the entrepôt for these districts, or whether the settlers (of Taranaki in particular) may not find a nearer and more advantageous market by entering the port of Manukao, and thence communicating with the capital (Auckland), a distance of only six miles, is a problem which remains to be solved.

Proceeding from Port Nicholson to Akaroa, in Banks' Peninsula, where we were detained a few days, I had an opportunity of examining the vicinity of that harbour, and it may be therefore proper that I should report to you the result of my observations. The harbour is a very fine one, easy of access, well sheltered, with good anchorage, and deep water close to the rocks: it is surrounded by very lofty mountains, which during our stay were partially covered with snow; one point, called "La Boussole," has been determined by the French commodore Lavaud at 2,020 feet; a point on the north side of the harbour, called "La Couronne," and some others, are still more lofty. There is a very small proportion of level land; but what there is is of a fertile description, and many of the spurs from the mountain ranges are very available for cultivation.

The French settlement is established on a flat of considerable extent, which forms one side of a bay, where the best and most sheltered anchorage is found. The number of the inhabitants does not exceed forty; their houses are very indifferent, and they appear to have done little or nothing during the twelve months in which they have occupied the place; very few of them even have attempted gardens. There is one large and very good wooden house, which is occupied by M. Baligny, the agent of the Nanto-Bordelaise Company, and is also used as a store for the supply of the settlement.

About two miles higher up the harbour a few Germans, eleven only in number, are located at the mouth of a very fine valley, presenting a tolerable portion of level and very fertile land; they, however, have done nothing beyond the partial erection of a house.

The climate of Akaroa appears to be very salubrious, and the difference of temperature between it and the Northern Island is by no means such as might be expected from the difference of latitude, and from the frequent presence of snow. I was favoured by the French commodore with a perusal of the meteorological journal, kept on board of the Aube, and I found that during the last twelve months the lowest point reached by the mercury, by day or night, has been 1° of the centigrade thermometer, equal to about 34° of Fahrenheit.

The mountainous character of the country all round Akaroa, and indeed over the whole of this part of Banks' Peninsula, would probably render a communication with the interior country difficult. A native track exists from Akaroa to Port Cooper, which may be travelled on foot in about eight or ten hours; but, as far as I could learn, it is a difficult and laborious route.

Port Cooper is spoken of as a very desirable harbour, but I had not an opportunity of examining it.

From the appearance of the country behind Banks' Peninsula, which I had an opportunity of observing as we approached the coast, and from all the information I could collect, there appears to be a very large extent of fine level country, covered with a luxuriant growth of grass, extending southward towards Otago, and northward as far as the eye can reach. This information I derived from several persons on whose authority I could rely, and making all due allowance for the exercise of imagination, which would naturally be a little excited at a prospect so unusual in New Zealand, as level land covered with grass, there appears no reason to doubt that a very fine pastoral country exists on this portion of the middle island, which will become most important and valuable whenever it may be deemed consistent with the views of Her Majesty's Government to settle that island.

An outlet for the produce of this country will be found either at Port Cooper or at Akaroa, if the former should not prove so desirable a harbour.

In conclusion, I have only to observe, that the opinions which I have formed, and the information I have acquired, have been based almost solely on my own observations; that which, in one or two instances which I have mentioned, I have derived from other sources, has been obtained from persons on whose judgment and integrity I could rely, and has been made use of only where it was confirmatory of my own experience and knowledge of the country generally.

I have, &c.

(signed) *Felton Mathew,*
Surveyor-General.

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No. 66.
Governor Hobson to the Principal Secretary of State for the Colonies.
15 Dec. 1841.

— No. 66. —

(No. 41/40.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland,
My Lord, New Ulster, 15 December 1841.

I HAVE the honour to forward the half yearly report of the Protector of Aborigines, Mr. Clarke, in which he sets forth the very peaceable and tractable state of the native population, but at the same time he remarks upon the apprehensions entertained by them respecting their land; and I certainly admit that a people, who are in the highest degree jealous of their territorial rights, and amongst whom those rights are very imperfectly defined, are not unlikely to resort to force sooner or later, rather than suffer the occupation of lands, which may have been fairly bought from one tribe, but are claimed with great apparent justice by another.

I take, for instance, the Waikato tribe, under the chief Te-whero-whero, who are extremely powerful. They conquered and drove away the Ngati-awas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and having pretty well laid waste the country, and carried off a large number of slaves, they retired to their own district on the banks of the river Waikato.

It appears that in 1839 Colonel Wakefield visited the country, and bought a considerable portion of it from the few Ngati-awas who had resumed their habitations on the retreat of Te-whero-whero.

Now Te-whero-whero claims the country as his by right of conquest, and insists on it that the remnant of the Ngati-awas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, "Now so long as I choose to keep this weight here, the papers remain quiet, but if I remove it, the wind immediately blows them away; so it is with the people of Taranaki;" alluding to his power to drive them off.

Te-whero-whero certainly has a claim to the land, but not a primary one, as the received rule is, that those who occupy the land must first be satisfied. But he is the most powerful chief in New Zealand, and I fear will not be governed by abstract rights, but will rather take the law into his own hands.

I had hopes, until a few days ago, that he would consent to take a moderate compensation for his claim; but he suddenly broke off a negotiation entered into with him, because his conditions being large, I determined on referring them to Colonel Wakefield before I paid the price stipulated. Where he has gone, or what his intentions are, I cannot yet learn; but he will probably call on me again when his impatience has moderated.

I have mentioned this case as the type of a hundred others, merely to show your Lordship how difficult it is, unsupported by power, to conclude any real bargain with the natives; for it is clear that, in this case, Te-whero-whero has presumed on his imposing position, and on my evident weakness; and I am compelled to assume an independence which I certainly cannot maintain.

Mr. Clarke very properly calls my attention to the want, felt in all the districts, of sub-protectors for the direction and instruction of the native population; but I am wholly unable to find suitable persons for the office. Amongst the families of the missionaries I was in hopes of procuring young men, who would be proud to serve, and I tried two of the most intelligent, Mr. Williams, the eldest son of the Rev. H. Williams, and Mr. Kemp, each at a salary of one hundred and fifty pounds (150*l.*) per annum; but they proved inert and unmanageable.

Mr. Williams retained his situation just so long as he was kept in comparative idleness, and when he was called on to occupy a remote station, he expressed his unwillingness to go, and I accepted his resignation immediately. Mr. Kemp also, the son of a missionary, was in a bad state of health, and resigned upon being ordered for service. I will use my best exertions to supply this deficiency, but I am not very sanguine of success.

Hitherto purchases of land from the natives have been effected through Mr. Clarke; but his dealing with them in these matters interferes in some measure,

measure, I fear, with his conservative vocation of protector; for although he, as an individual, acts most conscientiously both towards the natives and the Government, yet there is no natural connexion between the office of a land commissioner who buys land for the Government, and that of protector of the rights and liberties of the aboriginal proprietors of the soil.

The New Zealanders are a shrewd people, and are not a little apt to attribute all the kindness and advice Mr. Clarke may offer them to the more sordid view of obtaining their land; besides which, he is often obliged to place himself in a false position with regard to them, while resisting their unreasonable demands for large payments.

It is for your Lordship to make any other arrangement you may please; but in the present low state of our finances, I cannot, with propriety, recommend the employment of an additional officer.

Yet I feel it my duty to call your Lordship's attention to the case, and to request you will at some future period provide against this anomaly.

Mr. Clarke has applied to me for an increase of salary, and has openly declared that he cannot perform his duties, which are most onerous, on his present means. He now receives four hundred pounds per annum, as ordered by your Lordship's instructions, conveyed in an enclosure in despatch No. 1, dated 9th December 1840, and I have allowed him 2*s.* 6*d.* a day for a horse, and have attached six natives to his staff, making his department expensive, without adding to his pecuniary means. I know his duties are most severe, and his assiduity is most persevering, often undertaking a journey of 200 or 300 miles, every foot of which he is obliged to walk. If, under these circumstances, your Lordship will raise his salary to that of the Protector at New South Wales, I think your beneficence will be deservedly applied.

Subsequent to the foregoing letter being drafted, and prior to the date which shows the time of its transmission, a most blood-thirsty murder has been reported at the Bay of Islands, the particulars of which shall form the subject of another despatch, which I have the honour to forward herewith.

I have, &c.

(signed) *W. Hobson.*

Enclosure in No. 66.

The Chief Protector's Half-yearly REPORT on the State of Her Majesty's Aboriginal Subjects of *New Zealand.*

Protector's Office, Auckland,
30 September 1841.

IN conformity with my instructions dated 9th April 1841, requesting a half-yearly Report on the state of Her Majesty's subjects in New Zealand, I proceed to offer for the information of his Excellency the Governor the following remarks.

With considerable personal exertion and increasing solicitude for the welfare of this interesting portion of Her Majesty's subjects, I have continued to watch over and support their interests, principally by visiting the tribes in the different parts of the island, by settling as far as possible their petty disputes with Europeans, and with one another, and by endeavouring to disabuse their minds from the influence of unprincipled Europeans, disaffected to Her Majesty's Government, assuring them of the anxious and parental care felt for them by Her most Gracious Majesty, and also by his Excellency the Governor.

During my intercourse with them, I have generally found that one of the principal subjects of complaint, is the manner in which they have heard the British Government proposes treating them and their property, being naturally a high-minded and independent people, and jealous of the proceedings of Europeans on account of the numberless frauds practised amongst them by whites of the lowest character. Amongst the old chiefs (in whom there is a large share of pride and ignorance combined, and whose power to do mischief is very limited) there is a dread of degradation by submission to the Government; but amongst the younger chiefs (whose views are more enlarged and whose dispositions are more pacific) there is an inclination to rely on the integrity of the British Government; they hold inviolate the treaty, saying that the words of it *cannot* be broken. Another very general subject of complaint, is the encroachments of Europeans upon their lands, which I fear will be a source of much trouble to Her Majesty's Government as well as to the colonists and aborigines. The equitable purchasing of a tract of country, even under the favourable circumstances of knowing the language and customs of the natives, has always been attended with great difficulty; yet, in the estimation of the majority of land purchasers (ignorant of both the native language and customs) they have accomplished more in the space of a few hours in the way of purchasing land, than the Government, under every advantage, can accomplish in as many years.

 I regret

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I regret that I am not able at present to report any very rapid or decided improvements among the natives, which I think is not much to be wondered at, when we consider the sudden influx of the colonists, and the establishment of Her Majesty's Government; the great demand for native labour and supplies has suddenly placed the natives in a state of affluence, which, added to the baneful influence of Europeans of vicious character, and their own natural independence, has been somewhat unfriendly to their great moral improvement; but I feel very little doubt that a reaction will soon take place, advantageous to both Europeans and natives. The sudden transition from a state of comparative poverty to affluence has been felt not only in Auckland, but even in the most remote parts of the island; it will, however, give his Excellency satisfaction to learn that not a single case of great importance has occurred at Auckland during the last year requiring the interposition of the magistrates, and though property is in many cases intrusted to their care, I am not aware of a single instance in which the trust reposed in them has been abused. In almost every native village I have visited, they religiously keep up the observance of the Sabbath, and attend their Sunday schools, which (except where there are missionaries) are conducted by native teachers.

Hitherto but little has transpired to interrupt the harmony between Her Majesty's British and Aboriginal subjects, and it is but due to acknowledge the forbearance exercised by both parties.

It must however occur to his Excellency that the great influx of Europeans will impose more onerous duties on the protector's department, and show the absolute necessity of sub-protectors being appointed to every town where there is a considerable number of colonists. It appears indispensable to the security and peace of the community that the following places be supplied with protectors, viz. Port Nicholson, Taranaki, and the Northern parts of New Ulster. I feel utterly at a loss to recommend to his Excellency any gentleman capable of efficiently performing the duties of a sub-protector; but as an inducement, I would suggest that a liberal salary be offered to any suitable gentleman, without which it will be impossible properly to conduct the duties of the department, or to procure the services of a person in whom his Excellency could place implicit confidence.

During the year I have made two or three important purchases of land on behalf of the Crown, which however have led to various remarks among the natives, more or less prejudicial to my duties as chief protector; they being apprehensive that their interests in connexion with this department are less studied than those of the government. On this point I have been unable fully to satisfy them, great pains having been taken by inconsiderate Europeans to show them the incompatibility of the two duties, as well as the great disproportion between the price the government gave for their lands, and the amount they realised when resold.

I have also to remark that hitherto but very little sickness has prevailed among the natives, and as their sanguinary wars have almost totally subsided, and Christian principles begin generally to prevail, I think the population may be on the increase, rather than, as it has been for some time past, on the decrease.

It is also my painful duty to report that a deep-rooted superstition, under the denomination of witchcraft, has in one or two instances led to the perpetration of murder among the heathen part of the population; but this savage practice is fast disappearing, and in its place the Christian religion is everywhere diffusing its humane principles among them.

(signed) *George Clarke*,
Chief Protector Aborigines.

— No. 67. —

No. 67.
Lord Stanley to Governor Hobson.
10 June 1842.

(No. 49.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 10 June 1842.

I HAVE received your despatch, No. 40, of the 15th of December last, forwarding the half yearly report of the protector of aborigines.

With the information at present before me, with regard to the prospects of the colony, I cannot sanction any increased expenditure for the department of the protector. Lord John Russell, in his despatch, No. 6, of the 28th January 1841, directed that as often as any sale should be effected in the colony, of lands acquired by purchase from the aborigines, there should be carried to the credit of the department of the protector a sum amounting to not less than 15, nor more than 20 per cent. in the purchase-money, for defraying the cost of the protector's establishment, and other charges incurred for the benefit of the natives.

For Lord John Russell's Despatch, 28 Jan. 1841, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 51.

When any sum shall have been realised from that source, it will of course be applicable to the charges which you contemplate. In the meantime I consider it very desirable that the protector should be relieved of the office of negotiating purchases of land from the natives, which I consider inconsistent with the character he fills.

Yours, &c.
(signed) *Stanley*.

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No. 68.
Governor Hobson to the Principal Secretary of State for the Colonies.
16 Dec. 1841.

— No. 68. —

(No. 41/41.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
16 December 1841.

My Lord,

I DO myself the honour to report that on the 20th ultimo a widow woman, named Roberton, her man-servant, and her two children, with one native child, were brutally murdered on one of the islands in the Bay of Islands.

Soon after the dreadful occurrence was made known at Kororarika, some of the white inhabitants, aided by the native tribe living in that town, proceeded to the spot, with the coroner, and held an inquest on the bodies; but in the course of the examination one of the jurors requested the postponement of the inquiry, as he had received secret intelligence from a native chief, which was likely to throw some light on the subject, and to disclose who was the perpetrator of the bloody deed.

Accordingly on the next morning very early a party again proceeded to the island, and there the natives pointed out the man in whose possession were many of the effects of the deceased, all which were secured, and the man on whom they were found was apprehended on suspicion, but owing to the threats of the natives, was not secured until his father came forward and gave him up.

The adjourned inquest took place at Kororarika, when a verdict of wilful murder of the five persons was recorded against the native, whose name is Maketu.

Maketu is the son of Ruhe, one of the high chiefs of the Bay, and he is connected with all the first men of the northern part of this island. His apprehension created such unusual excitement at the Bay of Islands that the police magistrate deemed it right to send him here for better security.

The only reason that can be assigned for Ruhe giving up his son to justice was his apprehension that the Korarika tribes would kill him on the spot, in consequence of the murder of the native child, a grandchild of Rewa, who is the head of the Ngapuhis, who principally inhabit Kororarika and its vicinity, and was then present.

Since the confinement of Maketu he has voluntarily confessed that he murdered the five persons with his own hand, and the sum of his statement is as follows:—He says that he was engaged to work for the deceased, but his rate of wages depended on his exertion; that the white servant had either that morning or the day before, told Mrs. Roberton that he was a lazy fellow, and that in consequence he watched an opportunity when the servant was asleep to split his skull open with an axe; that whilst he was committing the deed, the deceased, Mrs. Roberton, was standing at the door and saw him, and he judged it best to kill her also, which he did; he then murdered two of the children, and the third ran away, but was pursued and caught by him, and thrown over the cliff into the sea; he then set fire to the house, first taking out of it what he deemed valuable, and threw the bodies into the flames. When the coroner examined them they were much mutilated.

He has since entered more into detail, varying his story slightly; he attributes to Mrs. Roberton some breach of contract, and assigns this as his motive for committing this dreadful murder.

The occurrence I have above related shows a degree of malignity in the New Zealand character, which is not borne out by any of the reports that have hitherto been given. It is certainly a shocking instance of the turpitude of man, when unrestrained by moral or religious influence; but I have great reason to hope and believe that this unhappy affair is not to be taken as a specimen of the race, even when unreclaimed.

The chief Maketu was always a wicked man, and was much associated with low white people, yet he professes to be a Christian, and states that even when engaged in his usual prayer in the evening, he contemplated this diabolical deed. Since his confinement in gaol several of his letters have been intercepted, in which he endeavours to excite his friends to acts similar to his own, and in one

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he advises the murder of the Governor secretly, and the sudden attack of the troops, whom he proposes to annihilate.

In the excited state of the native feeling, I deem it right to be on my guard, and the troops are concentrated in the defensible barrack, and much precaution is taken, without any display. But I cannot entirely relieve my mind of apprehension for those persons who are in out-stations and unprotected.

The military force is so small that it admits not of separation, and the feelings and pride of the natives are much offended that a chief should be exposed to such indignity. Had he been killed on the spot, but little excitement would have been manifested, for his crime is viewed with horror. But to expose him to an open trial, and then probably to the shame of a public execution, is considered a degradation on the whole aboriginal race. Had his offence been less atrocious, or had his guilt not been so clearly established, I feel convinced that we should have had a severe struggle to carry the law into execution. As it is, although native opinion is much divided, there is still great excitement prevailing, and we feel greatly the want of force to check any ebullition that may arise.

I have repeatedly represented to your Lordship the necessity for more troops in this colony, and I again very respectfully urge it; always reminding your Lordship that every native is armed, and that the slightest provocation will be sufficient to excite them to deeds of violence, which the presence of an imposing military force would avert or overcome.

I deem it right to inform your Lordship, that at the earliest sitting of the Supreme Court, this case shall be brought forward for trial, and in the event of it being proved, no delay shall take place in the due execution of the sentence that may be passed.

I have, &c.
(signed) *W. Hobson.*

— No. 69. —

(No. 47.)

No. 69. Lord Stanley to Governor Hobson. 8 June 1842.

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson.*

Sir, Downing-street, 8 June 1842.

I HAVE received your despatch, No. 41, of the 16th of December last, reporting the circumstances attending the murder of a widow woman named Roberton, her man-servant, and her two children, with one native child, by a native named Maketu.

I should have felt it extremely difficult, if not impracticable, to have conveyed to you at this distance any decided instructions in regard to the punishment of the criminal; but the occasion has long since passed by. I can only express my hope that, in the punishment of the crime, which was absolutely necessary, you may have taken that course which would be least offensive to the feelings of the natives.

I am, &c.
(signed) *Stanley.*

— No. 70. —

(No. 8.)

No. 70. Governor Hobson to the Principal Secretary of State for the Colonies. 12 March 1842.

EXTRACT of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies; dated Government House, 12 March 1842.

IN the case of Maketu, at the Bay of Islands, I am happy to inform your Lordship that the excitement which prevailed to a considerable extent on his capture, and which it was apprehended would be followed with violence, has subsided into perfect tranquillity.

The unhappy culprit was brought to this place in the colonial brig Victoria, and here remained in prison until the 1st instant, when he was tried before the Supreme

Supreme Court, and condemned to suffer death, which sentence was carried into execution, in the most solemn and impressive manner, on the 7th instant.

On the day of trial the court was crowded with natives, and every word that was uttered, whether in Maori or in English, was faithfully interpreted by Mr. Clarke, jun., a sub-protector of aborigines. The native witnesses gave their evidence in a clear and perspicuous manner; and the prisoner was defended by Mr. Brewer, who, being the only councillor in the place besides the Attorney-general, was retained by the Government for the occasion.

It is highly gratifying to me, that every native I have conversed with, or whose sentiments have been reported to me, fully acknowledges the impartiality of the trial, and the justice and propriety of the sentence.

Although this event will form the subject of a separate report, I allude to it in this despatch as a proof of the advance of our institutions, and the powerful moral influence the Government has acquired over this semi-barbarous race.

Although I have reason to consider the results of the foregoing case as having terminated in a manner highly satisfactory, I regret that I cannot report universal tranquillity. The natives of Kaipara are at this moment in a state of considerable excitement, in consequence of unfounded and inflammatory reports, which the lower order of white people have circulated amongst them. Even the notice in the London papers, that certain lands would be sold in New Zealand, has been construed to them into a proof that Her Majesty's Government mean to seize upon their lands; and a notice respecting Kauri timber, which I issued, and which only had reference to the unrestrained and profligate destruction, by sawyers and others, of that valuable staple, was converted into the means of exciting the most alarming apprehensions that the property of the natives would not be respected, and that the treaty was a mere farce. These ruffians have even taken advantage of the imprisonment and trial of Maketu to show that the British Government have no respect for their rights and customs, and that they will in a short time overturn them altogether. Unfortunately, from their close intercourse with the natives, the most abandoned white people have an extraordinary degree of influence over them; and the most unfounded statements by them find amongst the natives immediate credence. I have done all in my power to avert this evil, by publishing monthly, in the Maori language, and issuing gratis for the present, a gazette, containing all such facts, as may best serve to disabuse their minds; and the protector of aborigines, who is at this moment on a journey into Kaipara and through the north, endeavours with great zeal to dispel these groundless alarms.

The news just received from the north is not, I am sorry to say, of a more satisfactory nature. The natives violently resist the claims of the Company at Wanganui, and seem to threaten pretty generally great opposition to parting with their lands throughout the districts sold by the Company.

I have the honour to inclose, for your Lordship's information, two letters, which I have received on this subject, one from G. F. Dawson, esq., and the other from Mr. King, a highly respectable magistrate at Wanganui.

11 Jan. 1842.

At the period of writing this letter I have received a communication from the Rev. Mr. Hatfield, informing me that the natives of Wanganui resolutely object to part with their land on any conditions.

In my communication with Colonel Wakefield, having a strong presumption that purchases had been loosely contracted on the part of the Company, I promised to allow any defect in his engagements to be corrected by after payments, in order that the wishes of Her Majesty's Government might with greater certainty be fulfilled, and that the settlers under the auspices of the Company should not be exposed to disappointment. But I never pledged myself, as I have heard it has been asserted, to allow the purchase of any land by the Company after the proclamation, except to permit subsequent demands of the natives to be satisfied.

Mr. Spain, the commissioner, is about to depart for Wellington and Wanganui, and I trust he will definitively settle this matter.

I regret that this morning I have heard of renewed outrages by the natives of Kaipara on the properties of several white inhabitants of that district. I gather from the deputation, who waited on me on this subject, that the acts of the natives were provoked by some supposed desecration of their tapued ground.

It is a source of great regret to me that I have not sufficient power to demand and enforce the abolition of these practices, as it generally happens that the

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violence of the natives is not directed against the individual person who has committed the aggression, but against every unprotected white settler in the neighbourhood.

Enclosure 1, in No. 70.

Encl. 1, in No. 70.

Sir, Wanganui, 11 January 1842.

I HAVE the honour to acquaint you, for the information of his Excellency the Governor, with a report which prevails here that the Taupo tribe intend an immediate descent on Wanganui. I beg leave to enclose a copy of a circular letter which I have addressed to the magistrates and principal inhabitants on this occasion, and I beg leave to call your attention to the enclosed answers of the Rev. John Mason and E. J. Wakefield, esq., justice of the peace.

The latter gentleman, who has lately resided for some time amongst the Taupos and other hostile tribes, informed me on leaving Wanganui for the Taupo country, that it was his intention to proceed to Auckland, and now returns after an absence of nine weeks, stating that he could not proceed, because he was obliged to see Mr. Niblett, who accompanied him (and was taken ill) safe back again. Mr. Niblett has not yet arrived, and is journeying down the river by easy stages of five miles a day. I fear that mischief may be done before his Excellency's instructions can arrive, it is therefore my intention to write to the Taupo chief, requesting him to remain at peace with every one.

I have reason to suspect that the hostile chiefs meditate a surprise. Mr. Wakefield having said, when questioned by me on his arrival, a little before daylight yesterday morning, that they would be down in about a week, (his letter says next March).

The sectionists and settlers here generally, including Messrs. Nixon and Wilson, magistrates, are impatient to be put in possession of the land which they have chosen on the disputed territory, and seem to hope that the Taupo tribe may put them in possession, and I fear I shall be unable to preserve the peace.

I shall endeavour to persuade the Rev. Mr. Mason to go up the river to dissuade the Taupos from coming down.

With regard to the natives of Waikanoi, there is no doubt that they, with their allies, are able to beat any party which the Taupos and their friends may send down.

The Waitotera people can muster only, I believe, about 300 at the utmost, and would run into the bush. The reported force of the Taupos and their friends amounts to 900 or 1,000 men, that of the Waikanoi people, including their supporters from New Munster, at least 2,000. I have to regret the want of my friend the Rev. Oct. Hadfield's assistance on this occasion, he being very seriously ill at Waikanoi.

I have, &c.
(signed) *Gilbert Francis Dawson,*
Police Magistrate.

The Honourable the Colonial Secretary.

Enclosure 2, in No. 70.

Encl. 2, in No. 70.

Sir, Wanganui, 11 January 1842.

I HAVE the honour to request that you will do me the favour of sending me such information as you may possess relative to the report of an intended irruption of the Taupo tribe into this district, in order that I may take precautionary measures for the preservation of the peace, and report the same to his Excellency the Governor.

I should further feel obliged by your giving me the benefit of your advice on the subject.

I am, &c.
(signed) *Gilbert Francis Dawson,*
Police Magistrate.

[Addressed severally to E. J. Wakefield, Peter Wilson, Samuel King, and John Nixon, Esqrs., the Rev. John Mason, and Captain Campbell.]

Enclosure 3, in No. 70.

Encl. 3, in No. 70.

Sir, Wanganui, 11 January 1842.

I HAVE the honour to acknowledge the receipt of your letter of this day, requesting such information as I may possess relative to the report of an intended irruption of the Taupo tribes into this district.

I have just returned from Taupo, and when there, heard that the tribes thereabouts intended to proceed in the course of a month or two to Waitotara, with the inhabitants of which place they have been for some years at deadly feud.

I also

I also heard that they intended to come by way of this settlement, and that they would be joined by natives from Rotorua, the Bay of Islands, the East Cape, and other parts to the northward, so as to number 700 or 800 fighting men.

I think, from what I heard, that they also intend to attack Waikanai in conjunction with the Ngatirau Kaioa tribes, who inhabit Manewatu and Otaki.

There is not, however, the slightest danger of any harm resulting to white people here from the passage of the Taupo tribes on their way to war. On the contrary, should any of their more ill-disposed allies from Rotorua, or the Bay of Plenty, meditate an attack on any white man without just cause of provocation, I feel certain that the Ngatepehi or Taupo chiefs would assemble their men in our defence.

The only breach of peace which is likely to be the consequence of their movements, is a quarrel between them and some of the missionary tribes on this river, with whom they are not on the best of terms; but I am confident that any attempt, uncoupled with the necessary force, to interfere with the quarrels between them and other natives, will be productive of more mischief than good. Mr. Mathews, of the Church Mission, who was lately living here, and who used his utmost endeavours to turn back the Taupo tribes on two former occasions, bears the reputation among the latter of having been the instigator of an act of treachery of which the Waitotara people were guilty, and which their enemies are determined never to forgive; and thus interference, though for the best of motives, is often construed by the natives into a wish to favour one party or the other. It is not to be forgotten either that the chiefs who head these tribes deny having made any cession either of their sovereignity or their land, and strongly resent any attempt to restrain their actions or their authority, so long as these are confined within the bounds of purely native politics.

I think it probable that the war party will arrive on the banks of this river about the beginning or middle of March. Such at least was the time they chose last year; and it is at that time that the plantations are in the best state for feeding them as they progress.

Should you require any further particulars, which I have omitted to mention, I shall be most happy to communicate them as far as my knowledge may serve.

I am, &c.

G. F. Dawson, Esq. J. P. (signed) *E. Jerningham Wakefield.*
&c. &c. &c.

Enclosure 4, in No. 70.

Wanganui, 11 January 1842. Encl. 4, in No. 70.

Sir,

I HAVE to acknowledge your letter of this date, soliciting such information as I possess, relative to the report of an intended irruption of the Taupo tribe into this district.

I regret that I have nothing certain to communicate. The rumour has existed for a considerable time, and the probability of the event is strengthened by the circumstance of their having intimated the intention of returning hither this year when they were with us in March or April last.

What may be the object of their visit I have no means of knowing, but judging from what occurred last year, I entertain no apprehension as regards our safety. Previous to that visit numerous stories, broadly asserted and diligently asserted, were rife among us, all of which however their conduct and demeanor towards us most satisfactorily falsified.

In the event of their again coming down, I believe that our policy of last year will be the best rule for us to follow, viz., to receive them as friends, and to leave them to find out whether we regard their presence or their absence as most desirable.

I have &c.

G. F. Dawson Esq. P. M. (signed) *P. Wilson*, J. P.

Enclosure 5, in No. 70.

Wanganui, Thomas-street, Encl. 5, in No. 70.
11 January 1842.

Sir,

I HAVE been honoured with a communication from you of this date, requesting information "relative to a report of an intended irruption of the Taupo tribe into this district".

That such a report is afloat, I am aware, but beyond this I know nothing.

Judging from the past, I am inclined to think that it is not an "irruption" of the tribe, but only a ceremonial visit stimulated perhaps by a little curiosity; the expectation of trade—and may be the adjustment of some petty differences with our neighbouring paths.

I no not imagine that the white population are at all likely to be involved. It will be our policy to treat the strangers with courtesy; perhaps forbearingly, as aliens to our manners and customs; but I do not anticipate aggression from them; they are too astute a people to embroil themselves with Europeans.

This same Taupo tribe visited us in April of last year, perhaps to the number of 400, a moiety of whom were warriors. Their coming was heralded by "warnings and portents of evil intentions;" but, their visit passed away innocuous as the summer cloud.

I have, &c.

Gilbert Francis Dawson, Esq. (signed) *Samuel King*, J. P.
Police Magistrate.

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Enclosure 6, in No. 70.

Encl. 6, in No. 70.

Sir, Wanganui, 11 January 1842.

In reply to your's of to-day's date, requesting information relative to the report of a fighting party coming from Taupo, I have the honour to inform you that a messenger from Taupo arrived a few days ago in Wanganui, with the following report: That ten days ago the fighting parties in the neighbourhood of Taupo were beginning to assemble at Taupo, with the intention of coming in a body to fight with the people of Wanganui; that they intended to make their attack in the night: and I have dispatched a trusty native up the river to-day, who will let me know the earliest news from Taupo. To-morrow two other natives will proceed direct to Taupo, and, if opportunity should occur, will let me know the state of affairs there.

I have, &c.
(signed) *John Mason.*

G. F. Dawson, Esq.
Police Magistrate, Wanganui.

— No. 71. —

No. 71.
Governor Hobson to the Principal Secretary of State for the Colonies.
14 March 1842.

(No. 10.)

Copy of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

My Lord, Government-House, Auckland, 14 March 1842.

5 March 1842. No. 1.

Referring to my despatch, No. 8, I have the honour to enclose a copy of the minute of the Executive Council which was held in the case of the native chief Maketu, on his being sentenced to suffer death for the murder of Mrs. Roberton, her two children, her servant, Thomas Bull, and a half-caste native child that was committed to her charge.

7 March 1842. No. 2.

No. 3.

By the enclosed copy of a warrant, addressed to James Coates, esq. the sheriff, and copy of his report, your Lordship will be informed that the sentence was carried into execution on the 7th instant, in front of the gaol of Auckland.

I may be allowed to express my satisfaction, that the unfortunate culprit admitted the justice of his sentence; that he died a perfect penitent, fully impressed with the truths of Christian revelation, and with confident hopes of a blessed resurrection in Christ. The Reverend Mr. Churton attended him most assiduously to the latest moments of his life.

I have, &c.
(signed) *W. Hobson.*

Enclosure 1, in No. 71.

Encl. 1, in No. 71.

Extract from the MINUTES of the Executive Council, of Saturday the 5th day of March 1842.

His Honor the Chief Justice being in attendance, was introduced.

The sentence of death having, at the late sitting of the Supreme Court, been passed on Maketu, a native, for murder, the question was brought under the consideration of the Council, whether, under the 59th article of the Royal Instructions, the presence of the presiding Judge, and a special report from him on that case, was necessary. On mature consideration of that article, the Council were of opinion that, except in cases where his Excellency the Governor proposed to commute or respite the sentence of death, the presence of the Judge, and the special report, were not necessary.

The Council having come to the foregoing conclusion, and the following sentence having been passed, That "You, Maketu, be taken to the place from whence you came, and from thence to the place of execution, at such place and at such time as his Excellency the Governor, with the advice of the Executive Council, may order and direct, and that you be then and there hanged by the neck until you be dead:" the next question brought forward for their consideration was, at what time and at what place it was expedient to execute such sentence. The Governor, with the advice of the Council, directed that the foregoing sentence be carried into execution at the plot of ground outside the gaol of Auckland, between the hours of eleven in the morning and two in the afternoon of Monday, the 7th day of March instant.

(True extract.)

(signed) *J. Coates.*

Enclosure 2, in No. 71.

Encl. 2, in No. 71.

New Zealand to wit.—VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth.

To *James Coates*, Esquire, of the Town of *Auckland*, Sheriff, greeting:

WHEREAS Maketu hath been indicted of felony and murder, by him done and committed, which said indictment hath been certified before us in our Supreme Court; and the said Maketu hath been thereupon arraigned, and upon such arraignment hath pleaded "Not guilty;" and the said Maketu hath, before us, in our said Supreme Court, been tried, and, in due form of law, convicted thereof: And whereas judgment hath been given in our said Supreme Court, that the said Maketu be taken to the place from whence he came, and from thence to the place of execution, at such place and at such time as his Excellency the Governor, with the advice of the Executive Council, may order and direct, and that he be hanged by the neck until he is dead, the execution of which judgment yet remaineth to be done: We require, and by these presents strictly command you, that upon Monday the 7th day of March instant, between the hours of 11 in the morning and two in the afternoon of the same day, him, the said Maketu, you forthwith convey to the front of the common gaol of the said town of Auckland, and that you do cause execution to be done upon the said Maketu, in all things, according to the said judgment. And this you are by no means to omit, at our peril.

Witness, our trusty and well-beloved William Hobson, esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c. &c. this 7th day of March, in the year of our Lord 1842, and in the fifth year of our reign.

(L. S.) (signed) *W. Hobson*, Governor.

(True copy.)

J. Coates, Sheriff.

Enclosure 3, in No. 71.

(No. 42/13.)

Sir, Sheriff's Office, Auckland, 7 March 1842. Encl. 3, in No. 71.

I DO myself the honour to inform you, that, in compliance with the warrant under the hand of his Excellency the Governor, I this day, between the hours of 11 o'clock in the forenoon and two o'clock of the afternoon, caused execution to be done on the body of the native Maketu.

I have, &c.

The Hon. the Colonial Secretary, &c. &c. &c. (signed) *J. Coates*, Sheriff.
Auckland.

—No. 72.—

No. 72. Governor Hobson to the Principal Secretary of State for the Colonies. 16 Dec. 1841.

(No. 41/42.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

Government House, Auckland, New Ulster,
My Lord, 16 December 1841.

I HAVE the honour to acquaint your Lordship that, pursuant to a notice duly given, the Legislative Council of this colony met on the 14th instant, and that a copy of my speech, fully disclosing the policy of the local government, is hereby forwarded, which I trust will be found to accord with the instructions with which your Lordship did me the honour to furnish me.

I will avail myself of the earliest opportunity of conveying to your Lordship the result of the proceedings of the Council on the weighty matters to be brought under their notice.

I have, &c.
(signed) *W. Hobson.*

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Encl. in No. 72.

Enclosure in No. 72.

Opening of the Legislative Council.

14 December 1841.

This day his Excellency Captain Hobson, Governor of the Colony of New Zealand and its Dependencies, opened the second session of the Legislative Council. His Honour W. Swainson, esq. the attorney-general, took the usual oath of office. W. F. Porter, esq. of Auckland, and G. Earp, esq. of Port Nicholson (being new members), took the usual oaths of supremacy and allegiance. The full Council then consisted of the following members:

His Excellency the Governor, Willoughby Shortland, esq. colonial secretary, W. Swainson, esq. attorney-general, George Cooper, esq. colonial treasurer, W. F. Porter, esq. and J. R. Clendon, esq.

His Excellency delivered the following speech:

"Gentlemen, I have taken an early opportunity of again calling you together.

"Since the last meeting of the Council circumstances have occurred which render it necessary that I should again bring under your consideration the subject of the land claims; on the successful settlement of this question the future prosperity of New Zealand is chiefly dependant.

"Her Majesty's Government having made an arrangement with the New Zealand Company that there should be granted to them, in respect of their claims to land in this colony, four times as many acres as they have expended pounds in the original purchase from the native chiefs, and in the introduction of emigrants into the colony, and having also declared their intention to apply the same rule to all other claimants, it is necessary that an ordinance should be passed by the Council with a view to carry these objects into effect.

"A more extended experience of the nature and extent of claims to land in this country, has forced upon my mind the conviction that it is essential to the successful colonisation of New Zealand, that the Act passed by the Governor and Council of New South Wales, and subsequently adopted by the local legislature, should be wholly remodelled. The claims which have been preferred under the authority of those Acts are so numerous, and the quantity of land claimed so extensive, as to comprise every available tract of land in the three islands.

"The power of determining what part of a colony shall, from time to time, be opened for settlement, must always belong to the local government. Foreseeing the impossibility of colonising New Zealand with effect, without this power, Her Majesty's Government, in order to secure it, made it one of the principal articles of the treaty with the chiefs, that no land should be sold by them, except to Her Majesty.

"By the existing law, the Governor of New Zealand is authorised to grant to all successful claimants, at least a portion of the particular land claimed by them.

"So numerous, however, are the claims, that to grant the particular land claimed would virtually be foregoing the important power of prescribing the limits within which settlements should be formed: it would leave it in the power of all to whom land might be granted, to lay it out, and to dispose of it for townships; and, as the claims extend to every part of the three islands, in every direction, there would be no limits within which settlements might be confined.

"The interests of the claimants themselves, too, suggests the necessity of some alteration in the existing law. Until the land to be granted shall have been surveyed, and accurately defined, it cannot be made available as a marketable property, for sale, or for the purposes of a loan. With any surveying staff within the means of the colony, many years would necessarily elapse before the numerous and widely-scattered claims could be satisfactorily disposed of; as by far the greater number of them, too, are in districts remote from any regular settlement, the land staff would long remain of little more than a nominal value. It becomes important, therefore, to devise some plan by which grants of land may be made consistently with the interests of the claimants, and without, at the same time, endangering the future prosperity of the colony.

"I propose, therefore, to lay before you a bill, to repeal so much of the ordinance now in force as relates to the rule by which the quantity of land is, in each case, to be determined; and also such of the clauses as give to the Governor the power of granting any part of the particular land claimed, and to substitute, for all parties, the rule prescribed for the New Zealand Company.

"For the general interests of the colony it is desirable that vigorous settlements should be formed at Manukao, in the neighbourhood of the Tamaki, at the Bay of Islands, and at the Hokianga.

"Means will immediately be taken for completing an accurate survey of these districts, and for hastening the conclusion of the Commission of Inquiry. As soon as these objects can be effected, each district will be divided into town, suburban, and country allotments. A portion of the Manukao district will be set apart to satisfy the claims arising in this neighbourhood, and southwards, down to Stuart's Island. A portion of the Bay of Islands and Hokianga districts will be appropriated to claimants northwards of Auckland.

"It

"It is proposed that the claimants of land should be allowed to select, in order, according to the priority of their claims, one suburban allotment, to consist of from 5 to 20 acres, for every 100 acres to which they may be found entitled. The residue they will be allowed to select from the nearest country land open for settlement. Every alternate allotment will be reserved until the selections shall be completed, when they, together with the town allotments, will be immediately offered for public competition.

"Population is chiefly instrumental in giving value to land. All the neighbouring colonies furnish proofs that new land rises in value in proportion as population is congregated in its vicinity. By the plan suggested for your consideration, the evils of numerous scattered settlements will be avoided; the claimants of land will, within a reasonable period, acquire an available marketable property, and the most effectual means will be taken of giving to that property a highly and rapidly increasing value.

"Among the claimants are many who, by the cultivation of the soil, and the establishment of whaling and sawing stations, and the erection of substantial buildings, have proved themselves to be *bonâ fide* settlers. In addition to the land to be granted to them, under the foregoing arrangement, they will be allowed a lease, at a nominal rent, for such a period as will enable them to reap the full advantage of their improvements, of so much of the land as they have actually cultivated, or which will enable them profitably to continue the business of their establishments.

"If any part of the land so occupied shall, at any time, be required for the purpose of forming a township, it will be resumed by the Government, and compensation will be made to the lessee for the value of his lease on equitable terms.

"The various mission stations it is intended to exempt from the general rule. Whatever difference of opinion may be entertained as to the value and extent of the labours of the missionary body, there can be no doubt that they have rendered important services to this country, or that, but for them, a British colony would not at this moment be established in New Zealand.

To the several parent societies, and to the individual members of those bodies, a grant will be made of so much of the land claimed by them as they have brought into actual cultivation, or which they actually occupy; all claims beyond this will be dealt with in all respects as any other claim. By these means, I have every reason to believe that three prosperous settlements may be formed, and that the interest of parties entitled to grants of land will be much more effectually promoted, than if grants were made to them of a part of the land actually claimed by them.

"I have entered at this great length into the developement of my views on this important subject, in order to prevent their being misconceived or misrepresented, confidently trusting, that when carried into execution, the plan proposed for your consideration will be instrumental in promoting what will ever be to me an object of increasing interest, the future prosperity of this important colony.

"Since the last meeting of the Council, I have visited Port Nicholson, the site of the New Zealand Company's first and principal settlement. From the zeal and vigour with which that Company have conducted their operations, the enterprising, energetic, and independent character of their settlers, and from the natural advantages of its harbour, there can be no doubt that Port Nicholson will soon become a very valuable and important settlement. From my own personal knowledge of the character of the gentlemen selected as the leaders of the Company's more recent settlements, I should anticipate, with equal confidence, the successful establishment of Taranaki and Blind Bay.

"When New Zealand was erected into an independent colony, the machinery of its Government was too imperfect to enable us at once to mature those enactments which, in addition to the statute and common law of England, were required by the peculiar circumstances of a young community. I, accordingly, at the first session of the Legislative Council, proposed for their adoption a bill for giving effect in New Zealand to the laws of New South Wales. It is with much pleasure I have now to inform you that I hope to be able to prepare for your consideration such enactments as will render New Zealand a really distinct and independent colony.

"The numerous settlements that have been formed within its limits necessarily render the Government of the colony expensive. From the natural character of the country, it is probable that it will be colonized in numerous and detached situations. Under the most favourable circumstances, it cannot be reasonably expected that, at the outset, the income of a colony shall be equal to the expenditure. I have every reason, however, to believe, that no long time will elapse before New Zealand will be independent of pecuniary aid from the mother country.

"I have great pleasure in being able to state, that up to the present moment, wherever settlements have been formed, the best feeling continues to prevail between the two races of Her Majesty's subjects. To the native population we continue to be indebted, in a great measure, for the principal necessaries of life, and, already, to a considerable extent, for one of the principal elements of national prosperity—a due supply of labour. Crimes against person or property are rare among them, and when committed, the natives themselves have always rendered their active and efficient aid in furthering the ends of justice.

NEW ZEALAND.

"It is important that we should, as soon as possible, proceed to the establishment of a supreme court. I have ordered a Bill for that purpose to be laid on the table for your consideration."

The clerk of the councils was then directed by his Excellency to lay the following Bills on the table:—

1st. Supreme Court Bill.
2d. County or District Court Bill.
3d. Jury Bill.
4th. Conveyancing Bill.
5th. Municipal Corporation Bill.
6th. New Zealand Banking Company's Bill (Private).

His Excellency then ordered that the aforesaid Bills be printed, and that the same be read the first time on Friday, the 17th December 1841.

The Council then adjourned till Friday, 17th December, at 12 o'clock.

— No. 73. —

No. 73.
Lord Stanley to Governor Hobson, 11 July 1842.

(No. 54.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 11 July 1842.

I HAVE received your despatch No. 42, of the 16th December 1841, forwarding a copy of the speech which you addressed to the Legislative Council of your Government on the 14th of the same month, communicating the arrangements which you proposed for the settlement of land claims within the colony.

24 June 1842.

I referred that despatch to the Colonial Land and Emigration Commissioners; and, in transmitting a copy of their Report for your information, I have to express my general concurrence in the remarks which that Report contains. I have, however, to add that, in a case so anomalous as the satisfaction of claims for past expenditure, under titles which are the subject of local investigation, I feel that I must necessarily leave much to you and your Council. It will be necessary to observe great care, in respect of previous claims, to keep strictly within the limits of advantage offered to the New Zealand Company by Mr. Vernon Smith's letter of the 18th of November 1840; and in respect of future sales, you will of course be governed by the recent Act of Parliament for regulating the sale of Crown lands in Australia and New Zealand, which must overrule any colonial legislation.

For Mr. Vernon Smith's Letter, 18 Nov. 1840, *vide* Papers relative to New Zealand, ordered by The House of Commons to be printed, 11 May 1841, No. 311, page 85.

I have, &c.
(signed) *Stanley*.

Enclosure in No. 73.

Encl. in No. 73.

Colonial Land and Emigration Office,
Sir, 9, Park-street, Westminster, 24 June 1842.

WE have the honour to acknowledge the receipt of your letter of the 14th instant, transmitting to us for our Report the copy of a despatch from the Governor of New Zealand, with a copy of his speech, communicating to the Legislative Council his proposed arrangements for the settlement of land claims within the colony.

The Governor informs the Council that it is necessary to modify the existing law respecting land claims, because experience has proved, that under its provisions claims of such magnitude might be established as to comprise every available tract of land in the three islands, and the consequent dispersion of the claimants would be so great, that the local Government would be powerless in directing the course of settlement, as well as unable for many years to ascertain the boundaries of the lands which were claimed. The Governor further states, that Her Majesty's Government having made an agreement with the New Zealand Company, to the effect that there should be granted to them four times as many acres as they have expended pounds in their original purchase, and in the introduction of emigrants; and having declared that the same rule should be applied to all other claimants, it is necessary that an ordinance should be passed by the local legislature to carry this object into effect. Under these circumstances a bill was to be laid before the Council for the purpose of repealing those parts of the existing ordinance which prescribe the mode of determining

determining the quantity of land to be granted in each case, and which empower the Governor to grant any part of the particular land claimed, and of substituting for all parties the rule prescribed for the New Zealand Company.

The Governor next states that he will cause an accurate survey to be immediately made of three districts, in which it seems to him most desirable that settlements should be first formed. Each district will be divided into the three usual classes of allotments, and as soon as outstanding claims to land shall be adjudicated upon, grants will be made to the claimants from the land situated in one of these surveyed districts, the district being chosen in each case according to the part of the colony in which the claim had arisen. These grants, however, are not to comprise town, but only country and suburban allotments, the latter of which will bear a proportionably higher value than the former. Every alternate allotment is to be reserved to the Crown until the selections by the claimants are completed, when they, together with the town allotments, are to be offered for public competition.

Exception is proposed to be made from the general rule, under which all claims are thus to be settled. First, In favour of those who, by their local expenditure, have proved themselves *bonâ fide* settlers, and to them leases, at nominal rents, of the land they cultivate or occupy, are to be granted; and, secondly, in favour of several parent missionary societies, and of the individual members of those bodies; and to them a grant is to be made of the land which they have brought into cultivation, or which they occupy, and their claims beyond this are to be dealt with as any other claim.

In the proposal to satisfy claims that may be established for land, in compact and surveyed districts, instead of attempting to provide for them by detached grants, scattered over the whole of New Zealand, we concur. In expressing this concurrence, we assume that the Governor will not be debarred from assigning to claimants land already occupied by them, if from the extent of improvements, or any other cause, it should seem expedient, and should at the same time be practicable, without detriment to public interest.

On two remaining parts of the arrangement, namely, the proposed alteration of the lots, and the exception of particular parties from the general rules, there are some remarks which appear to us to require consideration.

As regards the first, we would not offer any objection to the principle of the plan. Its effect may be, as the Governor anticipates, to give some immediate increase of value to the allotments which will remain the property of the Crown, and this must be deemed a desirable object, inasmuch as the extent of land which in all probability will be assigned to actual claimants is so large, that the future demand for Crown lands, at a comparatively high price, may become extremely limited. Adverting, however, to the possibility that neither very early nor very extensive purchases of these reserves may be made, and also to the evils which have elsewhere resulted from the interposition of vacant amongst occupied lands, it appears to us of importance that the size and shape of the allotments to be reserved for the Crown, under the proposed arrangement, should be so regulated as to interfere with and obstruct as little as possible the communication between the occupiers of the adjacent lands. Without knowing their dimensions we can form no positive opinion, but can only say that if, as we should hope, there are no circumstances to require the reserved sections to exceed half a square mile, we should feel no objection to trying the effect of this part of the plan.

With regard to the second point above noticed, we would venture to submit our opinion that it is not desirable to except any individuals or classes having claims for land in the colony from the operation of the general rules established on the subject, nor do we see any necessity for the particular exception now proposed, in the circumstances of the parties in whose favour it is to be made. If the object should be, as we can well understand it might be, to allow the *bonâ fide* settlers or the missionaries to remain upon the spots which they have cultivated or occupied, it might then be desirable for the Governor to satisfy the claims which they may establish before the Commissioner for a certain amount of land, by granting to them the actual land which they have cultivated or occupied; but we can see no reason why the lease or grant of such land should be conferred on them in addition to the other land which they will obtain under the regular award upon their claims; and we may add the remark, that the leases which it is proposed to grant at a nominal rent, and for a period so indefinite as that which is named by the Governor, may be expected in every case to be equivalent to a grant. Feeling, therefore, under the circumstances little doubt that any distinction between different settlers and classes of settlers is unjust, and considering also, with respect to one of the parties whom it is proposed to favour, that it is not to indulgences above the rest of the community in obtaining land that the missionaries can be supposed to look for the remuneration of their services, we would submit to Lord Stanley that it is expedient that the claims of all parties to land in New Zealand should, without distinction, be adjusted upon one and the same principle.

Subject to these remarks, we see no reason why the plans proposed by the Governor should not be approved.

We are, &c.
(signed) *T. Fred. Elliot.*
Edward E. Villiers.

James Stephen, Esq.
&c. &c. &c.

NEW ZEALAND.

No. 74. Governor Hobson to the Principal Secretary of State for the Colonies, 16 Dec. 1841.

— No. 74. —

(No. 41/44.)

COPY of a DESPATCH from Governor *Hobson* to the Principal Secretary of State for the Colonies.

My Lord, Auckland, 16 December 1841.

IT is with extreme regret I have to report the death, by drowning in the Manukau, of the late Captain Symonds, of the 96th regiment, which occasions a vacancy in the office of Deputy Surveyor-general of this colony.

The loss to New Zealand of so valuable an officer as the late Captain Symonds will be long felt as a public calamity. His energy, zeal and manly bearing, are qualities much wanted in a new colony, and these he possessed in an eminent degree; in addition to which, his urbane manners secured for him the affection and respect of all classes, both native and European.

Extract of Auckland Herald, dated 27 November.

I have the honour to inclose a paragraph cut from a newspaper, which describes more particularly the melancholy event which consigned this excellent officer to a premature grave.

I have, &c.

(signed) *W. Hobson.*

Enclosure in No. 74.

Encl. in No. 74.

EXTRACT from the *Auckland* Herald, dated 27 November 1841.

"Captain W. Cornwallis Symonds was drowned on Tuesday, in Manukau Bay. The following particulars of this melancholy occurrence will, we believe, be found substantially correct: Mrs. Hamblin, wife of Mr. Hamblin, the missionary at Manukau (who was absent from home), being very ill, sent a message to the Brilliant, lying in the bay, to request that if there was a surgeon in the ship he would attend her. Captain Symonds having heard the circumstance, and knowing there was no surgeon on board, did that which those who knew him might have calculated upon, for with the active kindness and benevolence which so distinguished him, he immediately resolved to procure medicines from the ship, and cross the bay to Mrs. Hamblin's residence. He accordingly proceeded on board the Brilliant, and having made his arrangements, he, by the advice of the Captain of that vessel, in consequence of the day being gusty, and there being at the time a considerable sea, took the ship's long boat instead of his own; he was accompanied by Mr. Adam, a gentleman who came out from Scotland in the Brilliant, and settled at Manukau, two European seamen, and a native. Shortly after leaving the vessel, a violent and sudden squall struck the boat, which was observed to go down head-foremost, about a mile from the ship. Two boats were immediately lowered from the Brilliant; but we understand that, owing to the dangerous sea running, it was found impracticable to proceed to the unfortunate men, and those in the ship were compelled to witness their unhappy fate. The two seamen disappeared almost immediately. Mr. Adam swam for a long time, in company with Captain Symonds, but at length sunk. Captain Symonds, who was an expert and powerful swimmer, was observed to make the most extraordinary exertions. He swam more than an hour and twenty minutes, encumbered with a particularly heavy kind of nailed boots, and two thick pea coats, (which latter he was seen attempting to take off), and had nearly gained the shore, when he disappeared. He had done much for New Zealand, and from his talents and energy much more was expected. He was public-spirited and independent in the highest degree, and this event is a great calamity to the colonists of this country, as well as to the infant Company of which he was so able a director. The native, who accompanied them, through the interposition of Divine Providence, alone remains to relate the melancholy event."—*Communicated.*

RETURN to an ADDRESS of the Honourable the House of Commons for, A RETURN showing in Columns the various ACRES or LOTS OF LAND in the Colony of *New Zealand* sold by Government, with the Extent of each Lot, and the several Prices per Acre obtained for such Lands, since those Islands became a *British* Colony; distinguishing the Lands purchased on behalf of Non-Residents, and those purchased by Resident Emigrants.

STATEMENT of TOWN ALLOTMENTS sold by Auction at *Auckland* on the 19th and 20th of April 1841, and the Prices received.

Colonial Treasury, Auckland, 22 May 1841.

THE TOWN ALLOTMENTS advertised in the Government Gazette, by the Notice dated 25th February 1841, have (exclusive of Lots 1 to 3, 13, 15, 32, 37, 46, 47, 63, 70 to 73, 78, 79, 81, 82, 85, 92 to 96, 99, 101 and 130, which have been reserved) been sold to the undermentioned Parties by Auction on the 19th and 20th April 1841, and the Price affixed to each respectively has been received, with the exception of the Amount of the Balance on sundry Lots to be paid in *Sydney*.

Lots.	Town.	Extent. A.	R.	P.	PURCHASERS.	Price. £.	s.	d.
4	Auckland	0	0	35	Simmons, Weston & Co.	245	–	–
5	"	0	0	38	James Williamson	266	–	–
6	"	0	1	1	William Macdonald	176	6	–
7	"	0	1	2	Edward Costly	195	6	–
8	"	0	1	3	Frederick Whitaker	182	15	–
9	"	0	1	4	Moses Joseph *	200	4	–
10	"	0	1	9	J. C. Crawford *	196	–	–
11	"	0	1	16	James O. B. Croker	240	16	–
12	"	0	1	25	Robert Tod	321	15	–
14	"	0	1	19	Willoughby Shortland	315	13	–
16	"	0	1	34	Henry Tucker	299	14	–
17	"	0	1	13	Want and Andrews	159	–	–
18	"	0	0	32	ditto	128	–	–
19	"	0	0	32	ditto	102	8	–
20	"	0	0	32	ditto	161	12	–
21	"	0	1	4	Mrs. Ann Tod	442	4	–
22	"	0	1	4	Moses Josephs	253	–	–
23	"	0	1	4	William Mason	202	8	–
24	"	0	2	10	Dudley Sinclair *	450	–	–
25	"	0	2	3	Moses Josephs	365	4	–
26	"	0	1	34	Brown and Campbell	314	10	–
27	"	0	1	27	Henry Thompson	314	18	–
28	"	0	1	20	George Graham	270	–	–
29	"	0	1	20	Robert Field	223	–	–
30	"	0	1	14	James Watson	226	16	–
31	"	0	1	7	Willoughby Shortland	155	2	–
33	"	0	1	14	Patrick Donovan	172	16	–
34	"	0	1	9	Alexander Kennedy	213	3	–
35	"	0	1	19	New Zealand Banking Company	295	–	–
36	"	0	1	19	George Cooper *	253	14	–
38	"	0	1	20	Samuel A. Wood	318	–	–
39	"	0	1	32	I. Lord and J. Brown	201	12	–
40	"	0	1	9	ditto	144	11	–
41	"	0	1	9	William Kendal and Samuel Marks	124	19	–
42	"	0	1	12	Francis Hamilton	135	4	–
43	"	0	1	16	Edward Costley	137	4	–
44	"	0	1	26	Charles O'Neile	132	–	–
45	"	0	1	36	J. C. Crawford *	178	12	–
48	"	0	2	5	I. Lord and J. Brown	255	–	–
49	"	0	1	29	Felton Mathew *	127	13	–
50	"	0	1	32	Alexander Hepburn	147	12	–
51	"	0	1	5	John Cunningham	168	15	–
52	"	0	1	4	Gilbert F. Dawson †			
53	"	0	1	4	James Coates *	228	16	–
54	"	0	1	6	Peter Williams	184	–	–
55	"	0	1	5	I. Lord and J. Brown	213	15	–
56	"	0	1	5	Henry Thompson	227	5	–
57	"	0	1	5	Felton Mathew *	227	5	–
58	"	0	1	5	ditto *	227	5	–
59	"				I. Lord and J. Brown	225	–	–

(*continued*)

NEW ZEALAND.

Lots.	Town.	Extent. A.	R.	P.	PURCHASERS.	Price. £.	s.	d.
60	Auckland	0	1	5	I. Lord and J. Brown - - - - *	229	10	–
61	„	0	1	5	J. C. Crawford - - - - - *	236	5	–
62	„	0	1	8	Heale, Sinclair & Co. - - - - *	254	8	–
64	„	0	1	7	George Cooper - - - - - *	143	7	–
65	„	0	1	7	William Greenwood - - - - -	145	14	–
66	„	0	1	11	I. Lord and J. Brown - - - - -	191	5	–
67	„	0	1	25	James Harris and William Gordon - - -	143	–	–
68	„	0	1	30	George Benson - - - - - *	140	–	–
69	„	0	1	29	William Mason - - - - - -	148	7	–
74	„	0	1	19	James Coates - - - - - *	179	19	–
75	„	0	2	11	John Johnson - - - - - *	150	3	–
76	„	0	1	36	James Rule - - - - - - -	144	8	–
77	„	0	1	31	George Benson - - - - - *	142	–	–
80	„	0	2	7	Willoughby Shortland - - - - -	265	7	–
83	„	0	1	25	George Cooper - - - - - *	133	5	–
84	„	0	1	31	Dudley Sinclair - - - - - *	198	16	–
86	„	0	1	31	Francis Fisher - - - - - *	181	1	–
87	„	0	1	9	Robert Wigmore - - - - - -	100	9	–
88	„	0	1	32	I. Lord and J. Brown - - - - -	151	4	–
89	„	0	1	32	- ditto - - - - - - -	270	–	–
90	„	0	1	6	J. Logan Campbell - - - - -	181	14	–
91	„	0	1	6	George M. Mitford - - - - - *	138	–	–
97	„	0	1	38	Felton Mathew - - - - - *	253	10	–
98	„	0	1	38	Willoughby Shortland - - - - -	319	16	–
100	„	0	1	10	William Goodfellow - - - - -	252	10	–
102	„	0	1	4	William Buckland and T. Henderson - -	147	8	–
103	„	0	1	10	William Turner - - - - - -	200	–	–
104	„	0	1	8	John Swainson - - - - - -	132	–	–
105	„	0	1	8	Thomas Hellyer - - - - - -	100	16	–
106	„	0	1	8	Patrick Sharkey - - - - - -	96	–	–
107	„	0	1	8	William L. Standinger - - - - -	96	–	–
108	„	0	1	8	Thomas Wright - - - - - -	136	16	–
109	„	0	1	1	J. Brown - - - - - - -	106	12	–
110	„	0	1	1	John Johnson - - - - - *	118	18	–
111	„	0	1	6	E. M'Lennan - - - - - -	241	10	–
112	„	0	1	17	C. T. Stone - - - - - - -	173	17	–
113	„	0	1	16	Hoggard and Pollen - - - - -	210	–	–
114	„	0	1	14	David Guillan - - - - - -	186	6	–
115	„	0	1	12	- ditto - - - - - - -	150	16	–
116	„	0	1	8	Robert Tod - - - - - - -	290	8	–
117	„	0	1	5	Thomas Russell - - - - - -	182	5	–
118	„	0	1	5	I. Lord and T. Brown - - - - -	180	–	–
119	„	0	1	4	Dudley Sinclair - - - - - *	220	–	–
120	„	0	1	3	J. A. Brown - - - - - - -	172	–	–
121	„	0	1	3	Heale, Sinclair & Co. - - - - *	215	–	–
122	„	0	1	3	Frederick Whitaker - - - - -	129	–	–
123	„	0	1	3	Alexander Dingwall - - - - -	90	6	–
124	„	0	1	3	John Nolan - - - - - - -	73	2	–
125	„	0	1	13	Alexander Ross - - - - - -	95	8	–
126	„	0	0	34	Dudley Sinclair - - - - - *	49	6	–
127	„	0	0	34	- ditto - - - - - - *	142	16	–
128	„	0	1	0	- ditto - - - - - - *	94	–	–
129	„	0	1	0	- ditto - - - - - - *	86	–	–
131	„	0	1	10	- ditto - - - - - - *	95	–	–
132	„	0	1	7	- ditto - - - - - - *	138	13	–
133	„	0	1	7	I. Lord and T. Brown - - - - -	133	19	–
134	„	0	1	7	- ditto - - - - - - -	117	10	–
135	„	0	1	7	William Brown - - - - - -	108	2	–
136	„	0	1	7	Thomas Greenier - - - - - -	98	14	–
137	„	0	1	7	J. A. Brown - - - - - - -	129	5	–
138	„	0	1	7	Robert White - - - - - -	129	5	–
139	„	0	1	7	S. Mills and R. Condon - - - - -	94	–	–
140	„	0	1	7	J. Brown - - - - - - -	96	7	–
141	„	0	1	7	Dudley Sinclair - - - - - *	155	2	–
142	„	0	1	3	Gilbert F. Dawson - - - - - †	67	12	–
143	„	0	1	3	George M. Mitford - - - - *	129	–	–
					TOTAL - - - -	21,299	9	–

* Deposit paid; the Balance, amounting to £.4,985. 8*s.* 1*d.*, to be paid in Sydney, in accordance with the Government Notice of the 22d of March last.

† Lots 52 and 142 sold for £.267. 12*s.*—£.200. allowed as a retired naval officer.

(signed) *George Cooper,*
Colonial Treasurer.

STATEMENT of RESERVED ALLOTMENTS selected by Government Officers, in accordance with the Government Circular Notice, dated 17th September 1840, showing the Average Prices realised at the Sale of TOWN ALLOTMENTS at and in *Auckland*, on the 19th and 20th of April 1841, calculated (according to the Colonial Treasurer's Report), on the Aggregate Amount produced by the Total Number of Perches sold in each Section in which they are respectively situated.

No. of Section.	No. of Allotments.	Names of Government Officers for whom Allotments were reserved.	Contents of such Reserve.	Average Rate realised for One Perch of each Allotment, on the Aggregate Number of Perches in each Section.	Amount payable by each Government Officer.
					£. s. d.
3	11	Mr. Shortland - -	1 34	- - 695 perches realised 3,190 *l.* 9 *s.*, is 4 *l.* 11 *s.* 9 $\frac{3}{4}$ *d.* per perch.	339 14 1 $\frac{1}{2}$
	13	Mr. Tucker - -	1 30	- - - - - - -	321 7 10 $\frac{1}{2}$
4	14	Mr. Mitford, one moiety	0 29 $\frac{1}{2}$	- - 2,136 perches realised 8,664 *l.* 18 *s.* is 4 *l.* 1 *s.* 1 $\frac{3}{4}$ *d.* per perch.	119 13 10
7	8	Dr. Johnson - -	1 30	- - 646 perches realised 1,528 *l.* 3 *s.*, is 2 *l.* 7 *s.* 4 *d.* per perch.	165 13 4
	11	Mr. Coates one moiety each	0 26 $\frac{1}{2}$	- - - - - - -	62 14 4
		Mr. Mason	0 26 $\frac{1}{2}$	- - - - - - -	62 14 4
8	3	Mr. Mathew - -	2 34	- - 735 perches realised 2,193 *l.* 2 *s.*, is 2 *l.* 19 *s.* 8 *d.* per perch.	340 2 –
	7	Mr. Fisher - - -	2 33	- - - - - - -	337 2 4
	13	Mr. J. J. Symonds -	1 30	- - - - - - -	208 16 8
	14	Captain Symonds -	2 31	- - - - - - -	331 3 –
	15	Captain Richmond -	2 33	- - - - - - -	337 2 4
	20	Mr. Rough - - -	1 30	- - - - - - -	208 16 8
16	2	Mr. Grimstone - -	1 4	- - 731 perches realised 2,349 *l.* 9 *s.*, is 3 *l.* 4 *s.* 3 $\frac{3}{4}$ *d.* per perch.	141 7 11
				TOTAL - - - £.	2,976 8 9

Colonial Secretary's-office, Auckland, 10 July 1841.

Willoughby Shortland, Colonial Secretary.

Colonial Treasury, Auckland, 1 October 1841.

The LANDS advertised in the Government Gazette, by the Notices dated 24th June 1841, have (with the exception of the Lots marked otherwise) been Sold to the undermentioned Parties by Auction, on the 1st of September 1841, and the Price affixed to each respectively has been received.

Lots.	Sections.	County.	Extent. A. R. P.	PURCHASERS.	Price. £. s. d.
				SUBURBAN.	
1	62	Eden	3 3 28	George Cooper - - - - - -	408 – 1
2	63	ditto	3 0 3	Robert Tod - - - - - - -	244 10 4
3	64	ditto	3 2 0	George Cooper - - - - - -	325 10 –
4	67	ditto	3 2 7	James Beveridge - - - - - -	255 3 –
5	68	ditto	3 1 13	George Lawrence - - - - - -	209 17 4
6	69	ditto	3 3 36	James Beveridge - - - - - -	95 8 –
7	70	ditto	3 2 9	Ditto - - - - - - -	74 13 7
8	71	ditto	2 3 37	James Stone and J. A. Langford - - -	152 – 10
9	72	ditto	3 1 17	Abel Dottin Best - - - - - -	70 9 9
10	73	ditto	3 0 0	William Field Porter - - - - -	81 – –
11	74	ditto	1 3 8	James Stone - - - - - - -	68 8 –
12	75	ditto	3 1 7	William Field Porter - - - - -	69 3 4
13	76	ditto	3 1 17	John Kelly - - - - - - -	177 17 7
14	81	ditto	3 1 23	No offer.	
15	82	ditto	2 3 18	James Magee and John Mullowney - -	68 14 –
16	83	ditto	3 3 17	No offer.	
17	84	ditto	3 3 27	No offer.	
18	85	ditto	3 3 28	- - Patrick Donovan, Edward Murray, and John Oakes.	82 8 6
19	86	ditto	2 0 3	George Cooper - - - - - -	57 1 –
20	89	ditto	4 3 17	Deposit forfeited by James Coutts Crawford -	29 2 9
21	90	ditto	5 2 21	Alexander M'Kay - - - - -	123 16 9
22	91	ditto	3 1 7	No offer.	
23	92	ditto	3 3 38	No offer.	
24	93	ditto	4 0 0	No offer.	
25	94	ditto	7 1 0	No offer.	

(*continued*)

NEW ZEALAND.

Lots.	Sections.	County.	Extent. A.	R.	P.	PURCHASERS.	Price. £.	s.	d.
						CULTIVATION.			
26	31	Eden	3	0	0	William Field Porter	42	–	–
27	32	ditto	3	0	0	William Gamble	40	10	–
28	33	ditto	3	0	0	Francis Hamilton	39	–	–
29	34	ditto	3	0	0	William Gamble, jun.	33	–	–
30	25	ditto	3	0	0	Edward Constable	37	10	–
31	36	ditto	3	0	0	Patrick Dignum	31	10	–
32	37	ditto	3	0	0	No offer.			
33	38	ditto	3	0	0	No offer.			
34	39	ditto	3	0	0	Robert Tod	31	10	–
35	40	ditto	3	1	24	Ditto	71	8	–
36	12	ditto	–	–	–	Not put up.			
						SMALL FARMS.			
37	19	ditto	9	1	4	Henry Prior	30	2	10
38	20	ditto	9	3	2	William Field Porter	29	15	6
39	21	ditto	10	0	36	Ditto	32	4	2
40	22	ditto	9	2	21	John Scott	58	5	4
41	23	ditto	9	3	37	Ditto	65	7	6
42	24	ditto	10	1	12	Robert Tod	83	2	4
43	25	ditto	7	1	26	David Small	70	15	9
44	26	ditto	7	3	13	Daniel Pollen	41	10	1
45	27	ditto	8	1	5	Alexander Kennedy	45	2	8
46	28	ditto	8	2	20	Samuel Allen Wood	43	2	6
47	29	ditto	8	3	20	George Graham	31	1	3
48	30	ditto	9	1	0	John M'Intosh	30	19	9
49	31	ditto	9	2	20	John Moore	29	7	1
50	32	ditto	9	3	20	James Beveridge	32	11	9
51	33	ditto	11	0	0	Robert Tod	92	19	–
52	34	ditto	11	0	0	Ditto	44	–	–
53	35	ditto	11	0	0	John Moore	33	11	–
54	36	ditto	11	0	0	John P. Du Moulin	30	16	–
55	37	ditto	11	0	0	C. H. M'Intosh	27	10	–
56	38	ditto	11	0	0	John Weavell	26	8	–
57	39	ditto	5	1	15	William Greenwood	43	5	8
58	40	ditto	4	2	12	Deposit forfeited by H. Whitfield	2	1	2
59	41	ditto	11	2	8	No offer.			
60	42	ditto	11	2	8	No offer.			
61	43	ditto	6	0	2	John Cunningham	18	6	9
62	44	ditto	7	2	1	George Lawrence	21	7	9
63	45	ditto	23	0	16	No offer.			
64	46	ditto	9	0	11	James Beveridge	28	2	3
65	47	ditto	10	2	36	Edward Constable	32	3	6
66	48	ditto	23	0	16	-- Patrick Donavan, Edward Murray, and John Oakes.	47	7	10
67	49	ditto	12	1	28	James Coates and William C. Symonds	27	6	8
68	50	ditto	8	3	8	James Watson	31	13	7
69	51	ditto	22	0	0	George Lawrence	61	12	–
70	52	ditto	22	0	16	William Lister and Dermott Hersee Heather	47	7	1
71	53	ditto	20	3	24	Francis Fisher	44	18	8
72	54	ditto	20	3	24	Ditto	42	16	11
73	55	ditto	20	3	24	Ditto	42	16	11
74	56	ditto	20	3	24	George Cooper	42	16	11
75	57	ditto	20	3	24	Ditto	42	16	11
76	58	ditto	20	3	24	Ditto	42	16	11
77	59	ditto	20	3	24	R. Tod	83	12	–
78	122	ditto	50	0	0	No offer.			
79	123	ditto	50	0	0	Ditto.			
80	124	ditto	50	0	0	Ditto.			
81	125	ditto	50	0	0	Ditto.			
82	126	ditto	50	0	0	Ditto.			
83	127	ditto	50	0	0	Ditto.			
84	128	ditto	50	0	0	Ditto.			
85	129	ditto	50	0	0	Ditto.			
86	130	ditto	50	0	0	Ditto.			
87	131	ditto	50	0	0	Ditto.			
88	132	ditto	50	0	0	Ditto.			
89	133	ditto	50	0	0	Ditto.			
						TOTAL £.	4,501	14	10

(signed) *Geo. Cooper*, Treasurer.

RECAPITULATION.

	£.	s.	d.
Total Amount of Sales; April - - - - - - - -	21,299	9	–
Ditto - ditto - to Government Officers - - - - -	2,976	8	9
£.	24,275	17	9
Total Amount of Sales; September - - - - - - -	4,501	14	10
TOTAL - - - £.	28,777	12	7

Note.—In the year 1841, 200 *l.* was deposited in England with the Colonial Land and Emigration Commissioners for the purchase of land in New Zealand, such land to be selected by the parties on their arrival in the colony.

Since the commencement of 1842, 500 *l.* has been deposited in like manner.

The New Zealand Company made an arrangement with the Government (in June 1841) for the purchase of 50,000 acres, for which they are to prove an expenditure of 40,000 *l.* on emigration; and they have recently made a further arrangement for the purchase of 100,000 acres, by an expenditure of 40,000 *l.* on emigration, and 40,000 *l.* on public works.

There are no means in this country of distinguishing lands purchased on behalf of non-residents, and those purchased by resident emigrants. The price per acre at which the lands were sold is not stated in the Returns received from the Colony.

By order of the Board,

Colonial Land and Emigration Office,
9, Park-street, Westminster,
9 August 1842.

(signed) *S. Walcott*, Secretary.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 5 August 1842;—*for*,

A COPY of the ESTIMATE, as ordered by the Legislative Council to be printed, entitled an Estimate of the probable Expenditure of the Government of *New Zealand*, for One Year, commencing the 2d day of May 1841; together with the ESTIMATE of the probable Amount of Revenue for the Service of the Government of *New Zealand*, for the same Period:—Also, a STATEMENT, showing the Appropriation of the Revenue arising from the Sale of Crown Lands in *New Zealand*; and also, the ABSTRACT STATEMENT of the Revenue and Expenditure of the Government of *New Zealand*, for the same Period.

Colonial Office, Downing-street, 9 August 1842.

G. W. HOPE.

Ordered, by The House of Commons, *to be Printed*, 12 *August* 1842.

ABSTRACT of the ESTIMATED EXPENDITURE of the GOVERNMENT of *New Zealand*, for One Year.

No.	SERVICE.	Amount of Estimate. £.	s.	d.
1	His Excellency the Governor, and Judge	2,200	–	–
2	Civil Establishment	16,609	16	10
3	Survey Department	6,164	12	6
4	Department of Public Works and Buildings	5,354	–	–
5	Judicial Establishment	3,068	11	3
6	Police and Gaols	7,957	9	3
7	Ecclesiastical Establishment	450	–	–
8	School Establishment	140	–	–
9	Miscellaneous	8,977	13	6
	TOTAL £.	50,922	3	4

ESTIMATE of the PROBABLE EXPENSES of the GOVERNMENT of *New Zealand*, for One Year.

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
1.—The GOVERNOR and JUDGE:	£. s. d.	£. s. d.	£. s. d.	£. s. d.
His Excellency the Governor	1,200 – –			
The Chief Justice	1,000 – –			
		– – –	– – –	2,200 – –
2.—CIVIL ESTABLISHMENTS:				
Establishment of his Excellency the Governor:				
Private Secretary	150 – –			
Superintendent of the Government Domain, at 7 *s.* 6 *d.* per diem	136 17 6			
Ranger, at 4 *s.* 6 *d.* per diem	82 2 6			
Office-keeper, 3 *s.* 6 *d.* ditto	63 17 6			
One Gardener	72 – –			
Labourers	– – –	500 – –		
Forage for three Horses for the Governor, and one for Private Secretary, at 2 *s.* 6 *d.* per diem	– – –	182 10 –		
£.	504 17 6	682 10 –		
			1,187 7 6	
Executive and Legislative Councils:				
Clerk of the Councils	350 – –			
One Clerk, 3d Class	125 – –			
Messenger	70 – –			
		– – –	545 – –	
Colonial Secretary's Department:				
Colonial Secretary	600 – –			
Chief Clerk	270 – –			
Clerks; one at 200 *l.*, one at 170 *l.*, and two at 125 *l.* each	620 – –			
Messenger	70 – –			
		– – –	1,560 – –	
Audit Branch:				
One Clerk, 2d class	200 – –			
One Clerk, 3d class	125 – –			
		– – –	325 – –	
Colonial Treasury:				
Treasurer	600 – –			
One Clerk, 2d class	200 – –			
One Clerk, 3d class	125 – –			
One Sub-Treasurer at Russell	100 – –			
One Sub-Treasurer at Port Nicholson	100 – –			
		– – –	1,125 – –	
Customs:				
Auckland:				
Collector	500 – –			
Additional to present holder	100 – –			
One Clerk	150 – –			
One Landing-waiter and Tide-surveyor	200 – –			
One Tide-waiter and Locker	150 – –			
Five Boatmen, at 60 *l.* each	300 – –			
One Messenger	70 – –			
		– – –	1,470 – –	
Russell:				
Sub-Collector	200 – –			
One Landing-waiter and Tide-surveyor	200 – –			
One Tide-waiter and Locker	130 – –			
Five Boatmen, at 60 *l.* each	300 – –			
		– – –	830 – –	
Port Nicholson:				
Sub-Collector	200 – –			
One Landing-waiter and Tide-surveyor	200 – –			
One Tide-waiter and Locker	130 – –			
Five Boatmen, at 60 *l.* each	300 – –			
		– – –	830 – –	

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
2.—Civil Establishments—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Post Office:				
Auckland:				
Postmaster	160 – –			
One Clerk, 3d class	125 – –			
Gratuities to Masters of Vessels for conveyance of Ship Letters	– – –	20 – –		
Stationery, Mail-bags, and Office Furniture	– – –	20 – –		
Transmission of Overland Mails	– – –	10 – –		
£.	285 – –	50 – –	335 – –	
Bay of Islands:				
Deputy Postmaster	20 per cent. on collections.	30 – –		
Gratuities to Masters of Vessels, &c.	– – –	15 – –		
Stationery, Mail-bags, &c.	– – –	10 – –		
			55 – –	
Port Nicholson:				
Deputy Postmaster	20 per cent. on collections.	50 – –		
Gratuities to Masters of Vessels, &c.	– – –	15 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
			70 – –	
Hokianga:				
Deputy Postmaster	20 per cent. on collections.	15 – –		
Gratuities to Masters of Vessels, &c.	– – –	5 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
Transmission of Overland Mails	– – –	15 – –		
			40 – –	
Waimate:				
Deputy Postmaster	20 per cent. on collections.	5 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
			10 – –	
Kaipara:				
Deputy Postmaster	20 per cent. on collections.	5 – –		
Gratuities to Masters of Vessels, &c.	– – –	5 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
			15 – –	
Commissioners for Examining into Titles to Land:				
One Commissioner, at 2 *l.* per diem	730 – –			
Two – ditto – at 1 *l.* 10 *s.* ditto	1,095 – –			
One Clerk, 3d class	125 – –			
Travelling Expenses	– – –	500 – –		
£.	1,950 – –	500 – –	2,450 – –	
Colonial Store:				
Storekeeper	250 – –			
One Clerk, at 6 *s.* per diem	109 10 –			
One Store Porter, at 5 *s.* per diem	91 5 –			
		– – –	450 15 –	
Harbour-master's Department:				
Auckland:				
Harbour-master	200 – –			
Four Coxswains, at 69 *l.* each	276 – –			
Eight Boatmen, at 60 *l.* each	480 – –			
Conductor for Signal Station	60 – –			
Bay of Islands:				
Conductor for Signal Station	60 – –			
		– – –	1,076 – –	

(*continued*)

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
2.—Civil Establishments—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Colonial Brig Victoria:				
Commander, at 7*s.* 6*d.* per diem	136 17 6			
First Officer, at 6*l.* per month	72 – –			
Second ditto and Boatswain, at 4*l.* per month	48 – –			
Steward, at 4*l.* per month	48 – –			
Carpenter, at 3*s.* 9*d.* per diem	68 8 9			
Twelve Seamen, at 3*l.* 10*s.* each per month	504 – –			
Allowance to Commander; Necessary Money 24*l.*, and Stationery 3*l.*	– – –	27 – –		
Table Allowance for Commander and two Officers, at 1*s.* 6*d.* each per diem	– – –	82 2 6		
Rations for Crew and Officers of brig (17 in number), at 1*s.* 1½*d.* each per diem	– – –	349 – 7		
Wear and tear of Vessel and Stores	– – –	200 – –		
£.	877 6 3	658 3 1	1,535 9 4	
Aborigines:				
Chief Protector	400 – –			
Four Sub-Protectors, at 150*l.* each	600 – –			
One Clerk, 3d class	125 – –			
Forage for one Horse, at 2*s.* 6*d.* per diem	– – –	45 12 6		
Allowance for six Natives for Chief Protector, and four for each Sub-Protector, at 20*l.* each per annum	– – –	440 – –		
Travelling Expenses	– – –	525 – –		
Incidental Expenses for Food, and Presents to Natives	– – –	200 – –		
£.	1,125 – –	1,210 12 6	2,335 12 6	
Colonial Surgeon:				
Colonial Surgeon, at 13*s.* per diem	237 5 –			
Lodging Money	– – –	50 – –		
Allowance for Hospital Servant	– – –	27 7 6		
Medicines and Incidental Expenses	– – –	50 – –		
£.	237 5 –	127 7 6	364 12 6	
3.—Survey Department:				16,609 16 10
Surveyor-general	600 – –			
Five Assistant Surveyors, at 200*l.* each	1,000 – –			
Two Draftsmen, at 150*l.* each	300 – –			
Two Clerks, 3d class, at 125*l.* each	250 – –			
Forty Men for field parties, at 70*l.*	2,800 – –			
Work to be performed by contract	– – –	500 – –		
Forage for two Horses for Surveyor-general, and five for five Assistant Surveyors, at 2*s.* 6*d.* each per diem	– – –	264 12 6		
Instruments and Field Equipments	– – –	350 – –		
Incidental Expenses	– – –	100 – –		
£.	4,950 – –	1,214 12 6		
4.—Department of Public Works and Buildings:				6,164 12 6
Superintendent	180 – –			
Clerk, at 5*s.* per diem	91 5 –			
Foreman	156 10 –			
Superintendent of stock, at 5*s.* per diem	91 5 –			
Forage for eight horses, at 2*s.* 6*d.* each per diem	– – –	365 – –		
Carts, harness, tools, and incidental expenses	– – –	350 – –		
£.	519 – –	715 – –	1,234 – –	
Public Works:				
Fencing and clearing the Government Domain	– – –	350 – –		
			350 – –	
Public Buildings:				
Towards constructing a Court-house (already ordered)	– – –	390 – –		
For completing the same	– – –	600 – –		
For constructing Public Offices at Auckland	– – –	500 – –		
— a Post-office ditto	– – –	100 – –		
— a Custom house ditto	– – –	280 – –		
— a Police Lock-up and temporary Cells for Gaol	– – –	500 – –		

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
4.—Public Works and Buildings—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Public Buildings—*continued.*				
For the construction of Stables, and completing Kitchen, Servants' Bed-rooms, Outhouses, and Verandah of Government House - - -	- - -	1,100 - -		
Incidental Expenses - - - - - -	- - -	300 - -		
			3,770 - -	5,354 - -
5.—Judicial Department:				
Supreme Court:				
Registrar and Clerk of the Court - - -	300 - -			
Crier of the Court and Tipstaff - - -	20 - -			
Travelling Expenses of the Judge and Officers -	- - -	150 - -		
Expenses of the Jurors and Witnesses attending criminal trials - - - - - - -	- - -	150 - -		
£.	320 - -	300 - -		
			620 - -	
Law Officers of the Crown:				
Attorney-general - - - - - - -	400 - -			
Clerk to ditto, 3d class - - - - - -	125 - -			
		- - -	525 - -	
Courts of General, Quarter, and Petty Sessions, and of Requests:				
Chairman of Quarter Sessions, and Commissioner of Court of Requests, at Auckland and Russell	300 - -			
Travelling Expenses - - - - -	- - -	50 - -		
Ditto, ditto, at Port Nicholson - - - -	300 - -			
Clerk of the Peace and Petty Sessions, and Registrar of the Court of Requests, at Auckland -	200 - -			
Ditto, at Russell - - - - - - -	200 - -			
Ditto, at Port Nicholson - - - - -	200 - -			
Three Criers, at 12 *l.* each - - - -	36 - -			
Expenses of Witnesses and Jurors - - -	- - -	200 - -		
£.	1,236 - -	250 - -		
			1,486 -	
Coroners:				
Auckland:				
Coroner (by Fees) - - - - - - -	- - -	30 - -		
Medical Attendance at Inquests - - -	- - -	15 - -		
Bay of Islands:				
Coroner (by Fees) - - - - - - -	- - -	30 - -		
Medical Attendance at Inquests - - -	- - -	15 - -		
Port Nicholson:				
Coroner - - - - - - - - -	- - -	30 - -		
Medical Attendance at Inquests - - -	- - -	15 - -		
			135 - -	
Sheriff's Department:				
Sheriff - - - - - - - - -	—			
Deputy-Sheriff, Port Nicholson - - -	50 - -			
Ditto - Russell - - - -	50 - -			
One Clerk, 3d class - - - - -	125 - -			
Sheriff's Bailiff, 4 *s.* 3 *d.* per diem - - -	77 11 3			
		- - -	302 11 3	3,068 11 3
6.—Department of Police and Gaols:				
Mounted Police:				
One Lieutenant, at 6 *s.* per diem - - -	109 10 -			
One Sergeant, at 2 *s.* 4 *d.* per diem - - -	41 12 8			
One Corporal, at 1 *s.* 9 *d.* per diem - - -	31 18 9			
One Trooper, at 1 *s.* 2 *d.* per diem - - -	21 5 10			
Seven ditto, at 1 *s.* per diem - - - -	127 15 -			
Forage for 11 Horses for Commandant, Non-commissioned Officers and Troopers, at 2 *s.* 6 *d.* each per diem - - - - - - -	- - -	501 17 6		
Saddlery and Incidental Expenses - - -	- - -	50 - -		
Clothing for 2 Non-commissioned Officers and 10 Troopers, at 4 *l.* 16 *s.* each - - -	- - -	57 12 -		
Arms, Accoutrements, and Ammunition - -	- - -	5 10 -		
Rations - - - - - - - - -	- - -	400 - -		
£.	332 2 3	1,014 19 6		
			1,347 1 9	

(*continued*)

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
6.—Department of Police and Gaols—*contd.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Auckland Police:				
Chief Police Magistrate	300 – –			
Chief Constable, at 5 *s.*; three Sergeants, at 4 *s.* 3 *d.*; and six Privates, at 3 *s.* 6 *d.* per diem, each	707 3 9			
		– – –	1,007 3 9	
Russell:				
Police Magistrate	250 – –			
Chief Constable, at 5 *s.*; two Sergeants, at 4 *s.* 3 *d.*; and six Privates, at 3 *s.* 6 *d.* per diem, each	629 12 6			
Four Boatmen, at 60 *l.* each	240 – –			
		– – –	1,119 12 6	
Port Nicholson:				
Police Magistrate	250 – –			
Chief Constable, at 5 *s.*; three Sergeants, at 4 *s.* 3 *d.*; and eight Privates, at 3 *s.* 6 *d.* each, per diem	834 18 9			
Four Boatmen, at 60 *l.* each	240 – –			
		– – –	1,324 18 9	
Hokianga Police:				
Police Magistrate	250 – –			
Chief Constable, at 5 *s.*; one Sergeant, at 4 *s.* 3 *d.*; and two Privates, at 3 *s.* 6 *d.* each, per diem	295 13 9			
Four Boatmen, to act as Constables, at 3 *s.* 6 *d.* each, per diem	255 10 –			
		– – –	801 3 9	
Akaroa;				
Police Magistrate	250 – –			
One Sergeant, at 4 *s.* 3 *d.*; two Privates, at 3 *s.* 6 *d.*; and four Boatmen, at 60 *l.* each	445 6 3			
		– – –	695 6 3	
Visiting Magistrate for Cook's Straits	250 – –			
Travelling Expenses, Boat-hire, &c.	– – –	500 – –		
	£. 250 – –	500 – –	750 – –	
Gaols:				
Three Gaolers, for Auckland, Russell, Port Nicholson, at 5 *s.* each, per diem	273 15 –			
Three Assistants, at Auckland, Russell, Port Nicholson, at 4 *s.* each, per diem	219 – –			
Rations for 30 Prisoners, at 7 *d.* each, per diem	– – –	319 7 6		
Medical Attendance	– – –	100 – –		
	£. 492 15 –	419 7 6	912 2 6	
				7,957 9 3
7.—Ecclesiastical Establishment:				
Three Ministers, for Auckland, Russell, and Port Nicholson, at 150 *l.* each, per annum	450 – –			
		– – –	– – –	450 – –
8.—School Establishment:				
One Schoolmaster, at 40 *l.*, and one Schoolmistress, at 20 *l.* per annum, at Auckland	60 – –			
One Native Schoolmaster	40 – –			
One Schoolmaster at Port Nicholson	40 – –			
		– – –	– – –	140 – –
9.—Miscellaneous:				
Stationery	– – –	219 13 6		
Printing Gazette	– – –	208 – –		
Printing Forms	– – –	650 – –		
Printing Ordinances of Council, &c.	– – –	200 – –		
Fuel and Lights	– – –	100 – –		
Furniture for Public Offices	– – –	400 – –		
For purchases of Land from Natives	– – –	4,000 – –		
Towards erecting Churches, and other places of public worship	– – –	1,000 – –		
For Roads and Bridges	– – –	2,000 – –		
To meet unforeseen Expenses	– – –	200 – –		
			– – –	8,977 13 6
		Total £.		50,922 3 4

Amounting to Fifty Thousand Nine Hundred and Twenty-two Pounds Three Shillings and Four-pence.

No. 2.—ESTIMATE of the PROBABLE AMOUNT of REVENUE for the SERVICE of the GOVERNMENT of *New Zealand*, for One Year.

	£.	s.	d.	£.	s.	d.
ORDINARY:						
Customs	13,000	–	–			
Post-office	500	–	–			
Publicans' and other Licences	2,400	–	–			
Auction Duties	1,000	–	–			
Fees and Fines of Public Offices	2,500	–	–			
Total of Ordinary Revenue				19,400	–	–
EXTRAORDINARY:						
Probable amount of proceeds of Sales of Crown Lands, after payment of charges for Immigration, Survey Department, and Land Purchases				18,917	13	9
Net Revenue available for Government Purposes £.				38,317	13	9

No. 3.—STATEMENT showing the APPROPRIATION of the REVENUE arising from the SALE of CROWN LANDS in *New Zealand*.

	£.	s.	d.	£.	s.	d.
Probable proceeds of sale of Crown Lands				50,000	–	–
EXPENDITURE:						
For Survey Department	6,164	12	6			
Other works indispensable to give an exchangeable value to the land, viz.:						
For purchase of Land from the Aborigines	4,000	–	–			
For Roads and Bridges	2,000	–	–			
				12,164	12	6
Surplus of Land Fund				37,835	7	6
50 per cent. for charges of Immigration				18,917	13	9
Amount available for the General Purposes of the Colony £.				18,917	13	9

No. 4.—ABSTRACT STATEMENT of the REVENUE and EXPENDITURE of the GOVERNMENT of *New Zealand*, for One Year.

	AMOUNT.		
REVENUE:	£.	s.	d.
Ordinary, per Statement, No. 2	19,400	–	–
Extraordinary	18,917	13	9
Excess of Expenditure over Revenue	339	17	–
Total £.	38,757	10	10
EXPENDITURE:			
Aggregate amount, per Statement No. 1	50,922	3	4
Deductions, per Statement No. 3	12,164	12	6
Total £.	38,757	10	10

(Vera Copia ext.)

Colonial Secretary's Office,
Auckland, New Zealand,
2 July 1841.

J. Coates,
Clerk of Council.

NEW ZEALAND.

RETURNS respecting the REVENUE and EXPENDITURE of the Colony of *New Zealand*.

(Mr. Aglionby.)

Ordered, by The House of Commons, *to be Printed,*
12 *August* 1842.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 23 March 1843;—*for*,

COPIES or EXTRACTS of any CORRESPONDENCE relative to the NEW ZEALAND ESTIMATES.

Downing-street, 24 March 1843. } G. W. HOPE.

(Mr. G. W. Hope.)

Ordered, by The House of Commons, *to be Printed*, 24 *March* 1843.

[***Price 8d.***]

134.

Under 12 oz.

SCHEDULE.

No.	Date.	Subject.	Page.
1. Governor Hobson to Lord Stanley	4 Aug. 1841	Transmitting Estimate of the probable Expense of the Government for one Year; Observations on some of the Items of Expenditure	1
2. Governor Hobson to Lord Stanley	15 Jan. 1842	Stating the impossibility of carrying on the Government of the Colony without the Assistance of the Home Government; enclosing Account of the Receipt and Expenditure between 2 May and 31 December 1841	10
3. Lord Stanley to Governor Hobson	15 Mar. 1842	Relative to Advances on account of Emigration, and Repayment of the Amount to the Commissariat Chest in New Zealand	11
4. Sir George Gipps to Lord Stanley	27 Jan. 1842	Enclosing Extract of Minutes of Proceedings of the Executive Council relative to drawing Bills for Sums due to New South Wales on account of the Colony of New Zealand	13
5. Lord Stanley to Sir George Gipps	9 July 1842	Acknowledging receipt of preceding Despatch; respecting the Bills drawn on account of Advances for New Zealand; enclosing Treasury Minute respecting the arrangement for the liquidation of those Advances	18
6. Lord Stanley to Governor Hobson	9 July 1842	On the same subject; that the Advances from the Colonial Funds of New South Wales are to be repaid from the Local Revenue of New Zealand, or from the proceeds of the Sales of Crown Lands within that Colony	21
7. Governor Hobson to Lord Stanley	29 Mar. 1842	Explanatory of the Receipt and Expenditure of the Colony during the Year 1841	21
8. Lord Stanley to Governor Hobson	7 Oct. 1842	Acknowledging receipt of preceding Despatch; that the question of the Finances of New Zealand is under the consideration of Her Majesty's Government	22
9. Governor Hobson to Lord Stanley	27 June 1842	Transmitting Copy of Minute of the Executive Council, sanctioning the Sum of 25,000 *l.* being drawn on Her Majesty's Treasury	23
10. Governor Hobson to Lord Stanley	3 June 1842	On the Financial Affairs of the Colony; with an Abstract of the General unaudited Account, and an Estimate of the probable Expenses of the Year	24

Enclosures in Despatch of June 3d:

1. A Statement showing the Receipts in each Month on account of Sales of Crown Lands in New Zealand between the 19th April 1841 and 30th of April 1842.
2. A Statement showing the Disbursements made in and on account of the Colony of New Zealand from Captain Hobson's arrival in January 1840 to the 30th of April 1842.
3. A Statement of the Liabilities of the Colony of New Zealand on the 30th April 1842.
4. A Statement of Expenditure of the Colony of New Zealand for the Year 1841.
5. An Abstract of the probable Expenditure of the Government of the Colony of New Zealand for the Year 1842.
6. An Estimate of the probable Amount of Revenue of the Government of New Zealand for the Year 1842.
7. A Statement, dated the 16th February 1842, showing the Appropriation of the Revenue arising from the Sale of Crown Lands in New Zealand.
8. An Abstract Statement of the estimated Revenue and Expenditure of the Government of New Zealand for the Year 1842.
9. An Abstract Statement of the Receipts and Expenditure of the Colony of New Zealand for the Year 1840.
10. An Explanatory Statement of Expenditure in the Department of Public Works for the Year 1840.
11. Statement by the Colonial Treasurer of the Receipts and Expenditure of the Colonial Revenue from the 1st January to the 31st December 1841 inclusive.

11. Lord Stanley to the Officer Administering the Government.	13 Mar. 1843	Decision of Her Majesty's Government as to the Estimate to be submitted to Parliament for the service of New Zealand; recapitulating the Correspondence which has taken place on the subject; enclosing Copy of Treasury Minute with reference to the Financial Condition of the Settlement; and Abstract of Estimate of Expenditure of the Government of New Zealand for the year 1842	43
Enclosure, Treasury Minute, 10 March 1843			48

Abstract of Estimate of Expenditure of the Government of New Zealand, for the Year 1842; of Deductions to be made therefrom; and of Charges to be Defrayed from Special Funds.

Statement of Salaries or Charges comprised in the Estimate of Establishments and Expenditure of the Government of New Zealand, for the Year 1842, to be disallowed as superfluous and unnecessary in the present state of the Colony.

12. Governor Hobson to Lord Stanley	30 June 1842	Enclosing Schedule of all Appointments made during the year, with the Alterations in the Salaries of some of the Officers	53
13. Lord Stanley to the Officer Administering the Government.	14 Mar. 1843	Requesting further Explanation with respect to the Alterations made in the Salaries of Public Officers	54
14. Governor Hobson to Lord Stanley	28 June 1842	That a Printing Press and Material has been purchased for the use of the Government; requesting sanction for the Charge incurred	55
15. Lord Stanley to Governor Hobson	14 Mar. 1843	Reply to preceding Despatch	59

NEW ZEALAND.

— No. 1. —

No. 1.
Governor Hobson to Lord Stanley.
4 August 1841.

COPY of a DESPATCH from Governor *Hobson* to Lord *Stanley*.

Government House, Auckland,
4 August 1841.

My Lord,

IN forwarding to your Lordship copies of the estimates of the probable expenses of this Government for one year, which I have recently laid before the Legislative Council, I feel that some observations may be considered necessary relative to a few of the items of expenditure detailed therein.

And, first, I will take the liberty to premise, that these estimates have been drawn up in the absence of any instructions, with the exception of the Schedule enclosed in your Lordship's despatch of December 1840, No. 1. The instruction from the Lords of the Treasury, alluded to by your Lordship, not having yet arrived.

For Lord John Russell's Despatch, 9 Dec. 1840, No. 1, *vide* Correspondence relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 24.

I would also observe, that the estimate of the probable amount of revenue for the first year has, with the exception of the proceeds arising from the sale of Crown lands, been prepared from very uncertain data, no other information existing for my guidance than what could be deduced from a reference to the receipts of surrounding colonies, assuming a part proportionate to the population of New Zealand, and the tonnage likely to arrive in her ports.

The apparently large sum to which these estimates amount, may be satisfactorily accounted for when I remind your Lordship that three establishments, each at a very considerable distance from the other, are to be maintained. I allude to those of Auckland, the Bay of Islands, and of Port Nicholson, besides various smaller stations, at which, numerous Europeans having established themselves for the purpose of trading in timber and whaling, it is important to the tranquillity of the district that a police magistrate and force be kept there.

	£.	s.	d.
	50,922	3	4

The departments which are principally affected by these observations are, that of police, amounting to seven thousand nine hundred and fifty-seven pounds nine shillings and three pence; the judicial, to the sum of four thousand and sixty eight pounds and three pence; and that of customs, to two thousand one hundred and thirty pounds, making a total of fourteen thousand one hundred and fifty-six pounds eight shillings and sixpence, out of which a sum of thirteen hundred and forty-seven pounds one shilling and nine pence is incurred for the maintenance of the mounted police, a force, the services of which, in the first formation of the colony, have been very important, and which, until I shall have received an increase to the military force, and until the police establishments be rendered thoroughly efficient, are indispensable.

	7,957	9	3
	4,068	–	3
	2,130	–	–
	14,156	8	6
	1,347	1	9

A very considerable outlay is required in the department of survey, for the purchase of land from the aborigines, and for such works as are indispensable to give the land when purchased an exchangeable value.

These items are very materially increased by the scarcity of labour and by the extreme difficulty experienced in the survey of the country, which renders it necessary to give higher wages as an inducement to labourers to undertake the service.

The whole of the amount is twelve thousand one hundred and sixty-four pounds twelve shillings and sixpence, namely, for the survey six thousand one hundred and sixty-four pounds twelve shillings and sixpence; which, however, I beg to observe, does not exceed one-fifth part of the estimated amount of the land revenue. Four thousand pounds is set apart for the purchase of land from the aborigines, and two thousand for roads, bridges, and other works.

	12,164	12	6
	6,164	12	6
	4,000	–	–
	2,000	–	–

NEW ZEALAND.

£.	s.	d.	
19,300	–	–	The schedule with which I was furnished by your Lordship estimates the expenses of the establishments therein named at the sum of nineteen thousand three hundred pounds, to which I have endeavoured to confine them, and have so far succeeded as to fix the amount (exclusive of Russell and Port Nicholson,) at twenty thousand six hundred and forty-one pounds, a sum, however, which when the salary attached to the office of a colonial treasurer, and to some other appointments not at present filled up, be deducted, will not, I think, much exceed the prescribed amount; and throughout, in forming the other establishments, the greatest care has been taken to regulate such salaries as are not provided for in the schedule above mentioned, with the strictest economy consistent with the efficient performance of public business.
20,641	–	–	
2,450	–	–	In order to provide for the expense of the commission formed to hear and report on claims to grants of land in the colony, it has been necessary to include in the estimates the sum of two thousand four hundred and fifty pounds, which will, however, be repaid in a great measure into the treasury by the fees imposed by the ordinance of Council.
1,535	9	4	Fifteen hundred and thirty-five pounds nine shillings and four pence has been appropriated to defray the expense of maintaining in the service of this government the brig "Victoria." When the extent of coast along which communication must be kept up in the absence of any overland connection between the various parts of the island, is considered, it will be found that even this expense is insufficient to the object proposed. Another vessel, but of much smaller dimensions, is still imperatively required to maintain the police on the remote parts of the coasts of the colony, especially in Cook's Straits.
2,335	12	6	To make provision for the superintendence and protection of the aborigines, a sum of two thousand three hundred and thirty-five pounds twelve shillings and sixpence has been estimated; but I am fearful this sum will be barely adequate to meet the expenses of this department, as it is with great difficulty I can procure gentlemen who are sufficiently acquainted with the native habits, customs, and language, to perform the required services effectually.
5,000	–	–	For public buildings and works the sum authorized by the schedule is five thousand pounds. The expenses of this department are estimated in the docu-
5,354	–	–	ment I now transmit, at five thousand three hundred and fifty-four pounds, of which one hundred and eighty pounds is an annual salary for the superintendent of works, one hundred and fifty-six pounds for the foreman of works, ninety-one pounds five shillings for the clerk of works, and a similar sum (ninety-one pounds five shillings) for the superintendent of stock, making a total
519	–	–	of five hundred and nineteen pounds. Every item has been submitted to a careful scrutiny, and each building is of the plainest and least expensive style, but the cost of mechanical labour and the price of materials are so exorbitant, that the erection of the most ordinary shed is attended with an expense that would appear incredible in England.
1,187	7	6	I have only further to draw your Lordship's attention to the establishment of the Governor, for the support of which the gross sum of eleven hundred and eighty-seven pounds seven shillings and sixpence has been estimated.
136	17	6	Referring more immediately to the several items, your Lordship will observe the sum of one hundred and thirty-six pounds seventeen shillings and sixpence set apart for forage for three horses for the Governor; and I respectfully submit, that until the domain can be brought into cultivation, so as to supply forage, this very limited sum is not unreasonably claimed for the support of the least number of horses that the Governor can employ in the public service. I have, however, declined drawing this allowance until your Lordship's pleasure be known.
500	–	–	The sum of five hundred pounds has been appropriated for the hire of labourers, which, at the present price of labour, will only supply five, or at most six men; and I regret to say native labour is quite as exorbitant and not half so productive.
136	17	6	One hundred and thirty-six pounds seventeen shillings and sixpence has been also appropriated as a salary to the superintendent of the domain, which very little exceeds the hire of a labourer, and falls infinitely short of that of a mechanic.

I have, &c.

(signed) *W. Hobson*, Governor.

Enclosure in No. 1.

ABSTRACT of the ESTIMATED EXPENDITURE of the GOVERNMENT of *New Zealand*, for One Year.

No.	SERVICE.	AMOUNT OF ESTIMATE. £.	s.	d.
1	His Excellency the Governor, and Judge	2,200	–	–
2	Civil Establishment	16,609	16	10
3	Survey Department	6,164	12	6
4	Department of Public Works and Buildings	5,354	–	–
5	Judicial Establishments	3,068	11	3
6	Police and Gaols	7,957	9	3
7	Ecclesiastical Establishment	450	–	–
8	School Establishment	140	–	–
9	Miscellaneous	8,977	13	6
	TOTAL £.	50,922	3	4

ESTIMATE of the PROBABLE EXPENSES of the GOVERNMENT of *New Zealand*, for One Year.

	SALARIES. £.	s.	d.	CONTINGENCIES. £.	s.	d.	TOTAL OF EACH DEPARTMENT. £.	s.	d.	TOTAL. £.	s.	d.
1.—The GOVERNOR and JUDGE:												
His Excellency the Governor	1,200	–	–									
The Chief Justice	1,000	–	–									
										2,200	–	–
2.—CIVIL ESTABLISHMENTS:												
Establishment of his Excellency the Governor:												
Private Secretary	150	–	–									
Superintendent of the Government Domain, at 7 *s.* 6 *d.* per diem	136	17	6									
Ranger, at 4 *s.* 6 *d.* per diem	82	2	6									
Office-keeper, 3 *s.* 6 *d.* ditto	63	17	6									
One Gardener	72	–	–									
Labourers				500	–	–						
Forage for three Horses for the Governor, and one for Private Secretary, at 2 *s.* 6 *d.* per diem				182	10	–						
£.	504	17	6	682	10	–						
							1,187	7	6			
Executive and Legislative Councils:												
Clerk of the Councils	350	–	–									
One Clerk, 3d Class	125	–	–									
Messenger	70	–	–									
							545	–	–			
Colonial Secretary's Department:												
Colonial Secretary	600	–	–									
Chief Clerk	270	–	–									
Clerks; one at 200 *l.*, one at 170 *l.*, and two at 125 *l.* each	620	–	–									
Messenger	70	–	–									
							1,560	–	–			
Audit Branch:												
One Clerk, 2d class	200	–	–									
One Clerk, 3d class	125	–	–									
							325	–	–			

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
2.—CIVIL ESTABLISHMENTS—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Colonial Treasury:				
Treasurer	600 – –			
One Clerk, 2d class	200 – –			
One Clerk, 3d class	125 – –			
One Sub-Treasurer at Russell	100 – –			
One Sub-Treasurer at Port Nicholson	100 – –			
		– – –	1,125 – –	
Customs:				
Auckland:				
Collector	500 – –			
Additional to present holder	100 – –			
One Clerk	150 – –			
One Landing-water and Tide-surveyor	200 – –			
One Tide-waiter and Locker	150 – –			
Five Boatmen, at 60 *l.* each	300 – –			
One Messenger	70 – –			
		– – –	1,470 – –	
Russell:				
Sub-Collector	200 – –			
One Landing-waiter and Tide-surveyor	200 – –			
One Tide-waiter and Locker	130 – –			
Five Boatmen, at 60 *l.* each	300 – –			
		– – –	830 – –	
Port Nicholson:				
Sub-Collector	200 – –			
One Landing-waiter and Tide-surveyor	200 – –			
One Tide-waiter and Locker	130 – –			
Five Boatmen, at 60 *l.* each	300 – –			
		– – –	830 – –	
Post Office:				
Auckland:				
Postmaster	160 – –			
One Clerk, 3d class	125 – –			
Gratuities to Masters of Vessels for conveyance of Ship Letters	– – –	20 – –		
Stationery, Mail-bags, and Office Furniture	– – –	20 – –		
Transmission of Overland Mails	– – –	10 – –		
£.	285 – –	50 – –	335 – –	
Bay of Islands:				
Deputy Postmaster	20 per cent. on collections.	30 – –		
Gratuities to Masters of Vessels, &c.	– – –	15 – –		
Stationery, Mail-bags, &c.	– – –	10 – –		
			55 – –	
Port Nicholson:				
Deputy Postmaster	20 per cent. on collections.	50 – –		
Gratuities to Masters of Vessels, &c.	– – –	15 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
			70 – –	
Hokianga:				
Deputy Postmaster	20 per cent. on collections.	15 – –		
Gratuities to Masters of Vessels, &c.	– – –	5 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
Transmission of Overland Mails	– – –	15 – –		
			40 – –	

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
2.—CIVIL ESTABLISHMENTS—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Post Office—*continued.*				
Weimate:				
Deputy Postmaster	20 per cent. on collections.	5 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
			10 – –	
Kaipara:				
Deputy Postmaster	20 per cent. on collections.	5 – –		
Gratuities to Masters of Vessels, &c.	– – –	5 – –		
Stationery, Mail-bags, &c.	– – –	5 – –		
			15 – –	
Commissioners for Examining into Titles to Land:				
One Commissioner, at 2 *l.* per diem	730 – –			
Two - ditto - at 1 *l.* 10 *s.* ditto	1,095 – –			
One Clerk, 3d class	125 – –			
Travelling Expenses	– – –	500 – –		
£.	1,950 – –	500 – –	2,450 – –	
Colonial Store:				
Storekeeper	250 – –			
One Clerk, at 6 *s.* per diem	109 10 –			
One Store Porter, at 5 *s.* per diem	91 5 –			
		– – –	450 15 –	
Harbour-master's Department:				
Auckland:				
Harbour-master	200 – –			
Four Coxwains, at 69 *l.* each	276 – –			
Eight Boatmen, at 60 *l.* each	480 – –			
Conductor for Signal Station	60 – –			
Bay of Islands:				
Conductor for Signal Station	60 – –			
		– – –	1,076 – –	
Colonial Brig Victoria:				
Commander, at 7 *s.* 6 *d.* per diem	136 17 6			
First Officer, at 6 *l.* per month	72 – –			
Second ditto and Boatswain, at 4 *l.* per month	48 – –			
Steward, at 4 *l.* per month	48 – –			
Carpenter, at 3 *s.* 9 *d.* per diem	68 8 9			
Twelve Seamen, at 3 *l.* 10 *s.* each per month	504 – –			
Allowance to Commander; Necessary Money, 24 *l.*, and Stationery 3 *l.*	– – –	27 – –		
Table Allowance for Commander and two Officers, at 1 *s.* 6 *d.* each per diem	– – –	82 2 6		
Rations for Crew and Officers of brig (17 in number), at 1 *s.* 1½ *d.* each per diem	– – –	349 – 7		
Wear and Tear of Vessel and Stores	– – –	200 – –		
£.	877 6 3	658 3 1	1,535 9 4	
Aborigines:				
Chief Protector	400 – –			
Four Sub-Protectors, at 150 *l.* each	600 – –			
One Clerk, 3d class	125 – –			
Forage for one Horse, at 2 *s.* 6 *d.* per diem	– – –	45 12 6		
Allowance for six Natives for Chief Protector, and four for each Sub-Protector, at 20 *l.* each per annum	– – –	440 – –		
Travelling Expenses	– – –	525 – –		
Incidental Expenses for Food, and Presents to Natives	– – –	200 – –		
£.	1,125 – –	1,210 12 6	2,335 12 6	

(continued)

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
2.—Civil Establishments—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Colonial Surgeon:				
Colonial Surgeon, at 13*s.* per diem	237 5 –			
Lodging Money	– – –	50 – –		
Allowance for Hospital Servant	– – –	27 7 6		
Medicines and Incidental Expenses	– – –	50 – –		
£.	237 5 –	127 7 6	364 12 6	
3.—Survey Department:				16,609 16 10
Surveyor-general	600 – –			
Five Assistant Surveyors, at 200*l.* each	1,000 – –			
Two Draftsmen, at 150*l.* each	300 – –			
Two Clerks, 3d class, at 125*l.* each	250 – –			
Forty Men for field parties, at 70*l.*	2,800 – –			
Work to be performed by contract	– – –	500 – –		
Forage for two Horses for Surveyor-general, and five for five Assistant Surveyors, as 2*s.* 6*d.* each per diem	– – –	264 12 6		
Instruments and Field Equipments	– – –	350 – –		
Incidental Expenses	– – –	100 – –		
£.	4,950 – –	1,214 12 6		
4.—Department of Public Works and Buildings:				6,164 12 6
Superintendent	180 – –			
Clerk, at 5*s.* per diem	91 5 –			
Foreman	156 10 –			
Superintendent of stock, at 5*s.* per diem	91 5 –			
Forage for eight horses, at 2*s.* 6*d.* each per diem	– – –	365 – –		
Carts, harness, tools, and incidental expenses	– – –	350 – –		
£.	519 – –	715 – –	1,234 – –	
Public Works:				
Fencing and clearing the Government Domain	– – –	350 – –	350 – –	
Public Buildings:				
Towards constructing a Court-house (already ordered)	– – –	390 – –		
For completing the same	– – –	600 – –		
For constructing Public Offices at Auckland	– – –	500 – –		
— a Post-office ditto	– – –	100 – –		
— a Custom-house ditto	– – –	280 – –		
— a Police Lock-up and temporary Cells for Gaol	– – –	500 – –		
For the construction of Stables, and completing Kitchen, Servants' Bed-rooms, Outhouses, and Verandah of Government House	– – –	1,100 – –		
Incidental Expenses	– – –	300 – –		
			3,770 – –	5,354 – –
5.—Judicial Department:				
Supreme Court:				
Registrar and Clerk of the Court	300 – –			
Crier of the Court and Tipstaff	20 – –			
Travelling Expenses of the Judge and Officers	– – –	150 – –		
Expenses of the Jurors and Witnesses attending criminal trials	– – –	150 – –		
£.	320 – –	300 – –	620 – –	

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
5.—JUDICIAL DEPARTMENT—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Law Officers of the Crown:				
Attorney-general	400 – –			
Clerk to ditto, 3d class	125 – –			
		– – –	525 – –	
Courts of General, Quarter, and Petty Sessions, and of Requests:				
Chairman of Quarter Sessions, and Commissioner of Court of Requests, at Auckland and Russell	300 – –			
Travelling Expenses	– – –	50 – –		
Ditto, ditto, at Port Nicholson	300 – –			
Clerk of the Peace and Petty Sessions, and Registrar of the Court of Requests, at Auckland	200 – –			
Ditto, at Russell	200 – –			
Ditto, at Port Nicholson	200 – –			
Three Criers, at 12 *l.* each	36 – –			
Expenses of Witnesses and Jurors	– – –	200 – –		
£.	1,236 – –	250 – –	1,486 – –	
Coroners:				
Auckland:				
Coronor (by Fees)	– – –	30 – –		
Medical Attandance at Inquests	– – –	15 – –		
Bay of Islands:				
Coroner (by Fees)	– – –	30 – –		
Medical Attendance at Inquests	– – –	15 – –		
Port Nicholson:				
Coroner	– – –	30 – –		
Medical Attendance at Inquests	– – –	15 – –		
			135 – –	
Sheriff's Department:				
Sheriff	—			
Deputy-Sheriff, Port Nicholson	50 – –			
Ditto – Russell	50 – –			
One Clerk, 3d Class	125 – –			
Sheriff's Bailiff, 4 *s.* 3 *d.* per diem	77 11 3			
		– – –	302 11 3	3,068 11 3
6.—DEPARTMENT OF POLICE AND GAOLS:				
Mounted Police;				
One Lieutenant, at 6 *s.* per diem	109 10 –			
One Serjeant, at 2 *s.* 4 *d.* per diem	41 12 8			
One Corporal, at 1 *s.* 9 *d.* per diem	31 18 9			
One Trooper, at 1 *s.* 2 *d.* per diem	21 5 10			
Seven ditto, at 1 *s.* per diem	127 15 –			
Forage for 11 Horses for Commandant, Non-commissioned Officers and Troopers, at 2 *s.* 6 *d.* each per diem	– – –	501 17 6		
Saddlery and Incidental Expenses	– – –	50 – –		
Clothing for two Non-commissioned Officers and 10 Troopers, at 4 *l.* 16 *s.* each	– – –	57 12 –		
Arms, Accoutrements, and Ammunition	– – –	5 10 –		
Rations	– – –	400 – –		
£.	332 2 3	1,014 19 6	1,347 1 9	
Auckland Police:				
Chief Police Magistrate	300 – –			
Chief Constable, at 5*s.*; three Serjeants, at 4*s.* 3*d.*; and six Privates, at 3 *s.* 6 *d.* per diem each	707 3 9			
		– – –	1,007 3 9	
Russell:				
Police Magistrate	250 – –			
Chief Constable, at 5*s.*; two Sergeants, at 4 *s.* 3 *d.*; and six Privates, at 3 *s.* 6 *d.* per diem each	629 12 6			
Four Boatmen, at 60 *l.* each	240 – –			
		– – –	1,119 12 6	

(*continued*)

	SALARIES.	CONTINGENCIES.	TOTAL OF EACH DEPARTMENT.	TOTAL.
6.—Department of Police and Gaols—*contd.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Port Nicholson:				
Police Magistrate	250 – –			
Chief Constable, at 5 *s.*; three Sergeants, at 4 *s.* 3 *d.*; and eight Privates, at 3 *s.* 6 *d.* each, per diem	834 18 9			
Four Boatmen, at 60 *l.* each.	240 – –			
		– – –	1,324 18 9	
Hokianga Police:				
Police Magistrate	250 – –			
Chief Constable, at 5 *s.*; one Sergeant, at 4 *s.* 3 *d.*; and two *Privates*, at 3 *s.* 6 *d.* each per diem	295 13 9			
Four Boatmen, to act as Constables, at 3 *s.* 6 *d.* each per diem	255 10 –			
		– – –	801 3 9	
Akaroa:				
Police Magistrate	250 – –			
One Sergeant, at 4 *s.* 3 *d.*; two Privates, at 3 *s.* 6 *d.*; and four Boatmen, at 60 *l.* each	445 6 3			
		– – –	695 6 3	
Visiting Magistrate for Cook's Straits	250 – –			
Travelling Expenses, Boat-hire, &c.	– – –	500 – –		
£.	250 – –	500 – –	750 – –	
Gaols:				
Three Gaolers, for Auckland, Russell, Port Nicholson, at 5 *s.* each per diem	273 15 –			
Three Assistants, at Auckland, Russell, Port Nicholson, at 4 *s.* each per diem	219 – –			
Rations for 30 Prisoners, at 7 *d.* each per diem	– – –	319 7 6		
Medical Attendance	– – –	100 – –		
£.	492 15 –	419 7 6	912 2 6	
				7,957 9 3
7.—Ecclesiastical Establishment:				
Three Ministers, for Auckland, Russell, and Port Nicholson, at 150 *l.* each per annum	450 – –			
		– – –	– – –	450 – –
8.—*School Establishment:*				
One Schoolmaster, at 40 *l.* and one Schoolmistress, at 20 *l.* per annum, at Auckland	60 – –			
One Native Schoolmaster	40 – –			
One Schoolmaster at Port Nicholson	40 – –			
		– – –	– – –	140 – –
9.—Miscellaneous:				
Stationery	– – –	219 13 6		
Printing Gazette	– – –	208 – –		
Printing Forms	– – –	650 – –		
Printing Ordinances of Council, &c.	– – –	200 – –		
Fuel and Lights	– – –	100 – –		
Furniture for Public Offices	– – –	400 – –		
For purchases of Land from Natives	– – –	4,000 – –		
Towards erecting Churches, and other places of public worship	– – –	1,000 – –		
For Roads and Bridges	– – –	2,000 – –		
To meet unforeseen Expenses	– – –	200 – –		
			– – –	8,977 13 6
		Total £.		50,922 3 4

Amounting to Fifty Thousand Nine Hundred and Twenty-two Pounds Three Shillings and Four-pence.

No. 2.—ESTIMATE of the PROBABLE AMOUNT of REVENUE for the SERVICE of the GOVERNMENT of *New Zealand*, for One Year.

	£.	s.	d.	£.	s.	d.
ORDINARY:						
Customs	13,000	–	–			
Post-office	500	–	–			
Publicans' and other Licences	2,400	–	–			
Auction Duties	1,000	–	–			
Fees and Fines of Public Offices	2,500	–	–			
Total of Ordinary Revenue				19,400	–	–
EXTRAORDINARY:						
Probable Amount of proceeds of Sales of Crown Lands, after payment of Charges for Immigration, Survey Department, and Land Purchases				18,917	13	9
Net Revenue available for Government Purposes £.				38,317	13	9

No. 3.—STATEMENT showing the APPROPRIATION of the REVENUE arising from the SALE of CROWN LANDS in *New Zealand*.

	£.	s.	d.	£.	s.	d.
Probable proceeds of sale of Crown Lands				50,000	–	–
EXPENDITURE:						
For Survey Department	6,164	12	6			
Other Works indispensable to give an exchangeable Value to the Land; viz.						
For purchase of Land from the Aborigines	4,000	–	–			
For Roads and Bridges	2,000	–	–			
				12,164	12	6
Surplus of Land Fund				37,835	7	6
50 per cent. for Charges of Immigration				18,917	13	9
Amount available for the General Purposes of the Colony £.				18,917	13	9

No. 4.—ABSTRACT STATEMENT of the REVENUE and EXPENDITURE of the GOVERNMENT of *New Zealand*, for One Year.

	AMOUNT.		
REVENUE:	£.	s.	d.
Ordinary, per Statement, No. 2	19,400	–	–
Extraordinary	18,917	13	9
Excess of Expenditure over Revenue	339	17	–
TOTAL £.	38,757	10	10
EXPENDITURE:			
Aggregate Amount, per Statement, No. 1	50,922	3	4
Deductions, per Statement, No. 3	12,164	12	6
TOTAL £.	38,757	10	10

(Vera Copia ext.)

Colonial Secretary's Office,
Auckland, New Zealand,
2 July 1841.

J. Coates,
Clerk of Council.

NEW ZEALAND.

No. 2. Governor Hobson to Lord Stanley, 15 January 1842.

— No. 2. —

(Separate).

COPY of a DESPATCH from Governor *Hobson* to Lord *Stanley*.

Government House, Auckland, New Ulster,
My Lord, 15 January 1842.

AN opportunity has presented itself within the day of addressing your Lordship by the way of Valparaiso, which I regret to say is so unexpected and hurried, that it is out of my power to prepare for your Lordship those voluminous returns which the termination of the year invariably produces.

The most important matter that I am desirous to bring under your Lordship's notice, is an account of the revenue and expenditure of the colony, which, though not in a state of readiness for transmission, is sufficiently advanced to show the utter impossibility of carrying on the government of this colony without the assistance of the Home Government. The simple fact, that
£. 13,000. the direct revenue does not produce more than thirteen thousand per annum. and that the land revenue, in consequence of the depression in money matters, has as yet been comparatively unproductive, will be sufficient to explain to your Lordship the financial crisis with which we are threatened.

I have the honour to inclose a brief summary of the receipts and expenditure since the 2d of May last, on which day the separation of this colony from New South Wales took place; but from the hurried manner in which this document is drawn up, I regret that it gives but an imperfect idea of our expenses.

Your Lordship, however, will not fail to observe the large portion of this expenditure which comes under the head of Public Works; and still it is with deep regret I have to inform your Lordship that a corresponding quantum of work has not been performed. The extraordinary price of labour and material, the profligacy of the workmen, and the want of proper superintendence, must account in a great measure for this discrepancy. But this is not all; the temporary nature of the first buildings, which, as business increased, were rendered unfit for their several uses, and the frequency of the robbery of timber and other stores, which were unavoidably exposed to spoliation, must also form a large item in this catalogue of expenses. The whole amount shown, however, includes much of arrears due at the separation of the colonies. I adopted every step in my power to avert these consequences, but in vain; I found that no precaution or vigilance I could exert had the effect of interposing any real check to the evil.

The cost of the various establishments which I have hitherto been obliged to form and maintain throughout the islands, each district being equal to a colony in itself, forms another formidable amount of expenditure. To these must be added the salaries of the public officers, the expense of the colonial brig and mounted police, and other contingent charges resulting from the purchase of land from the natives, and the administration of justice, which will account to your Lordship for this large expense.

It is to be hoped in future years that much of this outlay will be borne by the several corporations that it is intended to establish, and that the law courts will nearly pay their own expenses from their fees and fines. At present all the disbursements of the Government appear, and but a minimum income is derived from any source.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 2.

Encl. in No. 2.

AN ACCOUNT of the RECEIPTS and EXPENDITURE of the Colony of *New Zealand*, between the 2d of May 1841 and the 31st December 1841.

RECEIPTS:			
Customs (net revenue)	£. 3,072	19	5
Auction duties	345	9	2
Fines and fees in public offices	408	8	2
Licenses	894	10	–
Post-office collections	185	18	11
Proceeds of land sales	20,746	6	9
Miscellaneous	1,948	7	–
£.	27,601	19	5
EXPENDITURE:			
Fixed salaries and wages	14,826	16	2
— contingencies	5,537	10	–
Unfixed*	9,243	13	7
Imprests and advances to public officers	2,877	18	–
Purchase of land from the aborigines	541	–	–
£	33,026	18	8

Excess of Expenditure - - - £. 5,424. 19. 3.

* *Note.*—Under this head are included the expense of the public works, and of improvements necessary to make the land available by clearings, roads, &c., of the colonial brig, &c.

— No. 3. —

No. 3.

(No. 26.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

For Lord Stanley's Despatch, 14 Feb. 1842, No. 22, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 12 Aug. 1842, No. 369, p. 154.

Colonial Office, 12 Feb. 1842.

Treasury, 7 March 1842.

Colonial Office, 15 March 1842.

Sir, Downing-street, 15 March 1842.

WITH reference to my despatch, No. 22, of the 14th ultimo, I transmit to you herewith copies of a correspondence between this department and the Board of Treasury, from which you will perceive that the Lords Commissioners have assented to my recommendation for the appropriation to the purposes of emigration to New Zealand, of the sum of 12,000*l.* from the amount reported by you to have been realized by the land sales at Auckland; and have further intimated their readiness to authorize an advance of 6,000*l.* from the Commissariat Chest fund, to defray the moiety of the expense of the emigration under the Commissioners, which will be chargeable in this country.

You will bear in mind the condition on which this advance has been sanctioned, that the amount should be forthwith repaid into the Commissariat chest in the colony, and you will take measures for that purpose.

I have also to call your attention to that part of the enclosed letter from the Board of Treasury, in which they request that you may be instructed to make arrangements for the repayments, out of the first monies at your disposal for the general purposes of your government, of the imprests and advances which have been made for the service of New Zealand from the revenues of New South Wales. I have apprised Sir George Gipps that you have received instructions to that effect.

I am, &c.

(signed) *Stanley.*

NEW ZEALAND.

Encl. 1, in No. 3.

No. 16, 5 Aug. 1841.

For Governor Hobson's Despatch, No. 16, 5 Aug. 1841, *vide* Papers relative to New Zealand, ordered by the House of Commons to be printed, 12 Aug. 1842, No. 569, p. 150.

Enclosure 1, in No. 3.

Sir, Downing-street, 12 February 1842.

I AM directed by Lord Stanley to transmit to you, for the information of the Lords Commissioners of the Treasury, the enclosed copy of a despatch from the Governor of New Zealand, containing a report of the result of a land sale which took place at Auckland, on the 19th April last, and which realized the gross sum of 24,275 *l.* 17 *s.* 9 *d.*

I also enclose a copy of the reply which his Lordship has returned to that despatch; and I am to request that you will state to the Lords Commissioners that Lord Stanley proposes, with their Lordships' concurrence, to authorize the appropriation of the sum of 6,000 *l.*, to be advanced from the Parliamentary Estimate, on account of the land revenue at New Zealand, for defraying one-half of the charge of conveying to Auckland emigrants, under the selection of the Colonial Land and Emigration Commissioners; the remaining moiety of the charge being payable in the colony. Lord Stanley conceives that the accounts now received from Captain Hobson warrant the conclusion, that on the principle which has already been adopted of applying 50 per cent. of the net produce of the land revenue to emigration, at least 12,000 *l.* may be considered as at present available for that purpose.

Lord Stanley would be glad to be apprised, at their Lordships' earliest convenience, whether they are prepared to authorize the proposed advance of funds for emigration to New Zealand.

I am, &c.

C. E. Trevelyan, Esq.
&c. &c. &c.

(signed) *James Stephen.*

Encl. 2, in No. 3.

Enclosure 2, in No. 3.

Sir, Treasury Chambers, 7 March 1842.

WITH reference to your letter of the 12th ult., I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Lord Stanley, that my Lords have not seen reason to object to the proposed appropriation of the sum of 12,000 *l.* out of the amount reported by Governor Hobson to have been realized by the land sale at Auckland on the 19th April last, for emigration, being in conformity with the principle to which the concurrence of this Board was signified in the communication addressed to you on the 7th November 1840.

I am also to state, that the grant of Parliament for the service of New Zealand does not afford the means of making the advance proposed by Lord Stanley for that purpose, but that my Lords will be prepared to authorise that advance from the Commissariat Chest Fund, to be repayable to the commissariat chest in New Zealand, with the understanding, however, that such explicit directions will be conveyed to the governor for the repayment, as will prevent any recurrence of the delays in that respect which have arisen in similar cases at Van Diemen's Land.

I am, at the same time, to request that you will call Lord Stanley's attention to the expediency of instructing the Governor of New Zealand to make arrangements for the repayment, out of the first monies at his disposal for the general purposes of his government, of the imprests and advances that have been made for that service from the colonial funds of New South Wales, amounting, according to the statement forwarded to this Board in your letter of the 27th December last, to 42,974 *l.* 4 *s.* 2 *d.*; and of apprising the Governor of New South Wales that this instruction has been given in order that he may take any necessary steps for expediting the liquidation of the debt.

I am, &c.

James Stephen, Esq.

(signed) *C. E. Trevelyan.*

Enclosure 3, in No. 3.

Encl. 3, in No. 3.

Sir, Downing-street, 15 March 1842.

I HAVE laid before Lord Stanley your letter of the 7th instant, in which you signify the approval of the Lords Commissioners of the Treasury of the proposed appropriation of the sum of 12,000 *l.* from the amount reported to have been realized by the land sales at Auckland to the purposes of emigration, and intimate their Lordships' readiness to authorise an advance of 6,000 *l.* from the commissariat chest fund to meet the charges in this country, to be repaid to the commissariat chest in New Zealand.

In reply, I am to acquaint you that Lord Stanley will issue instructions to Governor Hobson for the repayment of that advance without delay; Lord Stanley will also direct the governor to make arrangements for the repayment, out of the first monies at his disposal for the general purposes of his government, of the imprests and advances which have been made for the service of New Zealand from the revenues of New South Wales, and will apprise Sir George Gipps that such instruction has been given. It does not, however, appear to Lord Stanley that there is any very near prospect that funds will be available for that purpose.

I am, &c.

C. E. Trevelyan, Esq. (signed) *J. Stephen.*

— No. 4. —

No. 4.
Sir George Gipps to Lord Stanley, 27 January 1842.

(No. 14.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord, Government House, Sydney, 27 January 1842.

IN my despatch to Lord J. Russell, No. 236, of the 23d December last, I transmitted copies of the resolutions passed by the Legislative Council on the 21st of that month, wherein I was requested to draw on the Lords of the Treasury for the sums advanced by their order out of the funds of this colony, for the purpose of establishing Her Majesty's authority in New Zealand; and I have now the honour to enclose to your Lordship a copy of a minute on the same subject, made by the Executive Council on the 21st instant. 21 January 1842.

I beg further to report to your Lordship, that I have, in pursuance of the advice of both Councils, drawn my first bills upon the Lords of the Treasury this day, to the amount of 5,354 *l.*

The bills are numbered as follows, and are all drawn in favour of the Colonial Treasurer, by whom they of course will be endorsed before they are issued:

	£.
Nos. 1, 2, 3, 4, 5, for 200 *l.* each - - - -	1,000
Nos. 6, 7, 8, 9, for 500 *l.* each - - - - -	2,000
Nos. 10, 11, for 1,000 *l.* each - - - - -	2,000
No. 12, for - - - - - - - -	354
£.	5,354

I beg leave to solicit your Lordship's attention to the portion of the Minute of Council in which it is stated that in the opinion of the Council this government will be able to meet all its engagements in respect to immigration, provided no greater number of immigrants arrive than are now expected.

I have, &c.

(signed) *Geo. Gipps.*

NEW ZEALAND.

Encl. in No. 4.

Enclosure in No. 4.

EXTRACT from MINUTE, No. 2, of the Proceedings of the Executive Council, on the 21st January 1842, relative to Drawing Bills on the Right Honourable the Lords Commissioners of Her Majesty's Treasury, for Sums due to New South Wales on account of the Colony of *New Zealand*.

Present:—His Excellency the Governor; his Excellency Major-General Sir Maurice Charles O'Connell, K.C.H.; the Right Rev. the Lord Bishop of Australia; the Hon. the Colonial Secretary; the Hon. the Colonial Treasurer.

His Excellency the Governor then said, that the Council was doubtless aware of the resolutions passed by the Legislative Council on the 21st of December last, whereby his Excellency was requested to draw upon the Lords of Her Majesty's Treasury for the sums advanced during the years 1840 and 1841, from the treasury of New South Wales for the service of the colony of New Zealand; which sums were now ascertained to amount to 43,347 *l.* 0 *s.* 4 *d.* (forty-three thousand three hundred and forty-seven pounds and fourpence). His Excellency stated that he had, in a despatch, dated the 23d of December last (No. 236), reported the passing of these resolutions to the Secretary of State; and the contingency contemplated in them of the money advanced for New Zealand being required for the service of the colony having now occurred, his Excellency desired the advice of the Council as to the way in which he should proceed for its recovery.

His Excellency was informed that bills on England were at the present moment at a discount, as usually happened during the months in which shipments of wool are principally made, and correspondingly large drafts take place upon England for the proceeds of the sales.

His Excellency had also ascertained that the commissariat chest was so low in funds that the deputy commissary-general would shortly be under the necessity of drawing bills upon the Treasury for military purposes, and for the convict service, and probably must submit to a discount.

His Excellency stated that under these circumstances he should have considered it most advisable that, in case it should be recommended by the Council to draw upon the British Government for the amount of the advances made to New Zealand, the drafts for the same should be signed by the deputy commissary-general rather than by himself. Treasury bills of that description, it is well known, are from long usage received without hesitation in the course of business in India and China, at Singapore and Manilla, and in all parts of the east; whereas bills drawn by the Governor of New South Wales, might probably not be negotiable with equal readiness and advantage. The effect also, as his Excellency could not but apprehend, of two departments of government drawing simultaneously upon the treasury, and entering apparently into competition in the disposal of their bills, might be to occasion public loss, by producing a still further reduction of the rate of exchange. His Excellency likewise considered it preferable that the bills should be drawn by the deputy commissary-general, as being more regular and conformable to the general practice; and also more in agreement with the course which was particularly pointed out as the proper one by the Lords of the Treasury in a letter from Mr. Spearman to Mr. Stephen, dated the 27th July 1838, a copy of which letter, and of the despatch (No. 170), in which it was transmitted to him for his guidance by Lord Glenelg, his Excellency laid before the Council.

But the same letter (his Excellency continued) made it necessary that the orders to the commissariat officer in charge should be communicated by the officer commanding Her Majesty's land forces in the colony, and the Major-general commanding had stated to his Excellency that he did not consider the case to be one in which he could justifiably issue such an order.

The Major-general, being present in his place in council, here assented to what his Excellency had stated; and repeated that he did not consider himself authorized by his instructions to issue such an order in this case to the deputy commissary-general. His Excellency then continued, that while he desired explicitly to place on record the reasons above assigned for wishing the bills to be drawn by the officer of the commissariat, he desired no less emphatically to disclaim any disposition to transfer to the Major-general, or to any other individual, any portion of the responsibility which properly belonged to himself.

The Council expressing a desire to be informed of the total amount of outstanding claims upon the government on account of bounties on immigrants, as well as of the probable means of meeting them, Mr. Merewether, agent for immigration, was called in, and delivered to the Council a statement, by which it was shown that the balances due on unsettled accounts for immigrants already arrived, under unconditional promises of payment, amounted to 53,215 *l.* (fifty-three thousand two hundred and fifteen pounds); and that the bounties (also unconditionally promised) on 12 ships not yet arrived, though credibly believed to have sailed from England before the 1st of November last, might be estimated at 48,000 *l.* (forty-eight thousand pounds), making the total amount of unconditional engagements yet remaining unsettled to be about 101,215 *l.*

Marked (A.) *see* p. 16.

The colonial treasurer then being called on by his Excellency, stated in his place at the council-table, that the public monies at present in his custody amount to 55,913 *l.* (fifty-five thousand nine hundred and thirteen pounds), and the sum of 43,347 *l.* (forty-three thousand

See p. 17.

thousand three hundred and forty-seven pounds), the amount of the New Zealand loan, being added, they together make up the sum of 99,260*l.*, leaving a deficit of no more than 1,955*l.* short of the required amount; but this, he added, was on the assumption that the current income of the colony will continue to be sufficient to meet its current expenses, as has been the case during the last two years; he further stated, that as yet no debentures have been issued, and that sales of valuable government lands in Sydney were appointed to take place during the next ensuing two months.

Mr. Merewether presented a further account of immigrants who had arrived under a conditional promise on the part of government, that the bounties would be paid only when all demands of an unconditional nature had been fully discharged. It appeared that the sum which might be claimed under engagements thus conditioned (and being, of course, in addition to the promises which were absolute) amounted to 12,256*l.* 14*s.* (twelve thousand two hundred and fifty-six pounds and fourteen shillings).

Marked (B.), *see* p. 17.

The opinion of the Council, after careful consideration of the subject, and of the statements laid before them, was directed to be entered as follows:

The Council desires first to record its persuasion, that there is nothing in the financial state of the colony, so far as the measures connected with immigration are concerned, which should occasion uneasiness as to the stability and sufficiency of its resources up to the present time, nor do they anticipate that Her Majesty's Government will be called upon to supply funds to meet the expenses of immigration, unless it should be carried much beyond what is calculated in the statements before the Council. The Council are of opinion that it is just and necessary to claim repayment of the sums advanced for the service of New Zealand, and concur with the Governor in thinking that it might have been desirable that the drafts for the same should have been signed by the deputy commissary-general; but circumstances appearing to prohibit that measure, they recommend that his Excellency should draw upon the Lords of the Treasury to the required amount, and that the bills so drawn be deposited in the local treasury for negotiation to the best advantage.

In offering this advice, the Council cannot fail to call to recollection, that at a period by no means remote, the deputy commissary-general, as agent for the British Treasury, had frequent recourse to the Colonial Treasury to obtain funds for the public service, which he found it impossible, at the time, to raise by the negotiation of his own bills without submitting to a discount.

Between the years 1834 and 1838, sums amounting in all to 95,900*l.* (ninety-five thousand pounds) were obtained by the deputy commissary-general at par from the local funds, and the British Treasury was thereby relieved from a loss of several thousand pounds.

These advances to the commissariat were in the nature of loans without interest; and the present sum of 43,347*l.* to be drawn for, is simply for the repayment of a similar loan, also without interest, made by direction of the Lords of Her Majesty's Treasury, from the revenues of New South Wales, for the temporary service of another colony. In reclaiming the principal sum alone, this Government sustains a loss of the interest which would have accrued, if the monies advanced in these several instances had remained with the other monies belonging to it, deposited in the several banks.

Under these circumstances, the Council is of opinion, that this colony is at least entitled to repayment in full of the sums actually advanced for the service of New Zealand, and accordingly advise his Excellency, that the bills now to be drawn upon the Lords of the Treasury should not be limited to the exact sum of 43,347*l.*, but should be for such amount as may be found necessary to realise that sum at the current rate of exchange, every precaution being of course adopted to guard against any greater loss than may be absolutely unavoidable by reason of a discount on the bills.

The Council having ascertained that no debentures have been issued, further recommend that the sum above stated to be due for immigrants arriving under a conditional promise of the bounty, should be defrayed by the issue of debentures to that amount, conformably with the general conditions recommended by the Legislative Council; but with a restriction, in this instance, to prevent such debentures from being returned upon the government earlier than it may be convenient to receive them.

(A true Extract).

(signed) *William Macpherson*,
Clerk of Councils.

Council-office, Sydney,
27 January 1842.

NEW ZEALAND.

(A.)

RETURN of IMMIGRANT SHIPS arrived with Immigrants, on whom Bounties are absolutely Promised, and are not yet Paid, showing the Estimated Amount Due.

	NAMES OF SHIPS.	Approximate Amount of Bounties.	Amount Advanced.	Amount remaining to be Paid.
	SYDNEY:	£. s. d.	£. s. d.	£. s. d.
Not finally reported upon.	1. New York Packet	3,900 – –		
	2. Wilson	3,500 – –		
	3. Marchioness of Bute	5,000 – –		
	4. Duke of Roxburgh	3,000 – –		
	5. Anne Milne	3,900 – –		
	6. Agnes Ewing	4,000 – –		
	£.	23,300 – –	– – –	23,300 – –
	PORT PHILLIP:			
	7. Agricola	3,700 – –		
	8. Catherine Jamieson	2,154 – –	1,800 – –	
	9. Allan Kerr	2,550 – –		
	10. Marquis of Bute	3,320 – –		
	11. Wallace	4,699 – –		
	12. Frances	1,345 – –	1,008 – –	
	13. Brankenmoor	2,575 – –	1,931 – –	
	14. Mary Nixon	2,600 – –	,311 – –	
	15. Angostina	1,841 – –	1 920 – –	
	16. Alexander	3,600 – –		
	17. William Mitchell	285 – –	171 – –	
	£.	29,669 – –	7,141 – –	22,528 – –
Reported upon, but Bounties unpaid.	SYDNEY:			
	18. Lalla Rookh	– – –	– – –	2,518 – –
	19. Lady Clarke	– – –	– – –	3,669 18 –
	TOTAL £.			52,015 18 –

Estimated amount of bounties absolutely promised, due, and unpaid, as per above Return	52,015 18 –
Add, for gratuities to surgeons, &c., of six ships arrived at Sydney, as above shown, and not reported upon	1,200 – –
£.	53,215 18 –
Add, for ships which may be expected to arrive during the remainder of this season, say 12 at 4,000*l.*	48,000 – –
TOTAL likely to be required to meet Claims under absolute promises of Bounties £.	101,215 18 –

Immigration Office,
21 January 1842.

(signed) *Francis L. S. Merewether.*

RETURN of BALANCES of PUBLIC MONEY in the several Banks in *Sydney* at the Close of Business on the 20th January 1842, and in the *Port Phillip* Banks on the 7th January, being the Date of the latest Accounts received.

	£.	s.	d.
SYDNEY:			
In the Bank of New South Wales	4,694	6	–
Australia	5,034	13	–
Commercial	5,654	5	5
Australasia	5,478	18	6
Union	5,401	18	–
£.	26,264	–	18
PORT PHILLIP:			
In the Bank of Australasia	10,220	9	2
Union	11,557	18	6
Port Phillip	7,871	8	–
	29,649	15	8
Add Sydney	26,264	–	11
TOTAL £.	55,913	16	7

Colonial Treasury, Sydney, 20 January 1842.

(signed) *C. D. Riddell.*

(B.)

RETURN of IMMIGRANT SHIPS arrived with Immigrants on whom Bounties have been conditionally Promised, and have not yet been Paid, showing the Estimated Amount which may be Claimed.

NAMES OF SHIPS.	Approximate Amount of Bounties, £.	s.	d.	Amount Advanced. £.	s.	d.	Amount remaining to be Paid. £.	s.	d.
PORT PHILLIP:									
Not finally reported upon. Enmore	2,000	–	–						
Gilmore	4,000	–	–	2,938	–	–			
Ward Chapman	5,700	–	–						
£.	11,700	–	–	2,938	–	–	8,762	–	–
Reported upon, but Bounties unpaid. SYDNEY:									
William Jardine	–	–	–	–	–	–	3,494	14	–
TOTAL £.							12,256	14	–

Estimated amount of bounties, &c. absolutely promised, due, and unpaid, as per Return (A.)	53,215	18	–
Estimated amount of bounties conditionally promised, claimable, and unpaid, as per Return (B.)	12,256	14	–
£.	65,472	12	–

Immigration Office, 21 January 1842.

(signed) *Francis L. S. Merewether.*

NEW ZEALAND.

No. 5.
Lord Stanley to Governor Sir G. Gipps, 9 July 1842.

— No. 5. —

(No. 146.)

COPY of a DESPATCH from Lord *Stanley* to Governor Sir *George Gipps*.

Sir, Downing-street, 9 July 1842.

I HAVE received your despatch, No. 14, of the 27th of January last, reporting that you had drawn bills, to the amount of 5,354 *l.*, on the Lords Commissioners of the Treasury, on account of the debt due to the Government of New South Wales by the colony of New Zealand.

I lost no time in communicating your despatch to the Lords Commissioners of the Treasury.

In making known to you the decision of Her Majesty's Government on the immediate subject of your despatch, it is not my intention to enter on a consideration of the other points connected with the general financial exigencies or embarrassments of your Government, which are adverted to in the proceedings of the Executive Council, of the 21st of January, which accompanied your despatch, as I shall have occasion again to address you on that general subject.

With reference to the bills which you have been induced to draw on account of the advances for the service of New Zealand, I have, in the first place, to observe, that Her Majesty's Government do not consider that you would be warranted in drawing on the British Treasury for an amount, as suggested by the Executive Council, beyond that of the actual advances to the Government of New Zealand, with the view of indemnifying the New South Wales treasury for any loss by discount in the negotiation of the bills, inasmuch as the necessity for effecting such negotiation at an unfavourable time has resulted from the incautious proceedings which led to that necessity; and you must understand, in authorizing the acceptance and payment of these bills, it is not the intention of Government, in the absence of detailed information and vouchers for the charges specified in the statement submitted with your despatch of the 17th of July last, in any respect to recognise the propriety of those charges, or of placing so large an amount as 26,500*l.* at the disposal of the acting treasurer to the newly-constituted Government of New Zealand.

Although it is very desirable that the drawing and negotiating of bills on the treasury should be confined, as far as practicable, to the officers of the commissariat, the officer commanding the troops in New South Wales appears to have acted correctly in withholding his sanction to the liquidation of the claims of the local Government, on account of New Zealand, being effected through the medium of the commissariat chest, or by bills to be drawn by the officers in charge of that chest.

I have further to acquaint you, with reference to my despatch, No. 77, of the 14th March last, that, in consequence of arrangements made subsequently by Her Majesty's Government, the advances from the colonial funds of New South Wales, for the service of the Government of New Zealand, are to be liquidated by payments from the local revenue of New Zealand, or from such portion of the proceeds of sales of Crown lands in those islands as may not be specially appropriated to expenses of immigration, into the commissariat chest on the station; and the governor of that colony will be instructed to lose no time in taking steps for the liquidation of this debt by paying to the officers of the commissariat, at the end of each quarter, or half year, such sums as may remain available out of the funds above mentioned, after defraying the charge of the authorised establishments, and the expenses of the civil government.

In 21 June 1842.

I transmit herewith, for your information, a copy of a Minute of the Lords Commissioners of the Treasury, relating to the present arrangements for the liquidation of these advances, which it is intended should be laid before Parliament, in further pursuance of the course of proceeding adopted by Her Majesty's Government in authorising the original advances from the land fund of New South Wales for the service of the Government of New Zealand.

I have, &c.
(signed). *Stanley*.

Enclosure in No. 5.

COPY of TREASURY MINUTE, dated 15th June 1842.

READ a letter from Mr. Stephen, dated 3d instant, forwarding by direction of Lord Stanley, with reference to a previous letter of the same date, and other communications relating to the state of the finances of the Government of New South Wales, copy of a despatch from Governor Sir George Gipps, of 27th January last, representing that in concurrence with the recommendation in a resolution passed by the Legislative Council of that colony on the 21st December last, respecting the liquidation, by drawing bills on this Board, of certain advances stated to amount to 43,347 *l.* 0 *s.* 4 *d.*, made by authority of Her Majesty's Government from the land fund of New South Wales in the years 1840 and 1841, for the service of the newly established Government of New Zealand, and in pursuance of the advice both of the Legislative and Executive Councils, he had on that day drawn bills to the amount of 5,354 *l.* on that account; and transmitting an extract from the Minutes of the Executive Council of 21st January relating to and in explanation of this proceeding.

My Lords have before them the communications of 30th April last, and 3d instant, from Lord Stanley's department, on the subject of the financial embarrassment to which the Government of New South Wales was likely to be exposed, from the very large amount of the liabilities for bounties on the introduction of emigrants from the United Kingdom, which had been contracted by the incautious issues of bounty orders during the year 1840, and from the subsequent diminution of land sales, and consequently of the funds applicable to the payment of immigration charges; and my Lords refer to the opinion signified by his Lordship, that some measures should be adopted for the repayment of the debt due to the colony of New South Wales by the Government of New Zealand.

My Lords also refer to the communications addressed to this department by the Secretary of State on the 13th June and 4th July 1839, respecting the establishment of a competent authority for the government of British subjects in the island of New Zealand, under the directions of the Government of New South Wales; and to the Minute of this Board of 19th July 1839, sanctioning the advance from the Crown Land Fund of New South Wales of such sums as were required for the service of the new Government, immediately upon its first establishment, with the understanding that repayment was to be made from such revenue as might be raised in New Zealand; which Minute at the same time provided that the arrangement should be brought under the cognizance of Parliament, as in the event of failure of the contemplated revenue, this country might possibly be involved in some further expenditure for that Government.

For Treasury Minute, 19 July 1839, *vide* Papers ordered by the House of Commons to be printed, 29 July 1839, No. 469.

My Lords have also before them a statement which accompanied the despatch of the Governor of New South Wales, of 17th July 1841, forwarded to them in Mr. Stephen's letter of 27th December last, of "advances and disbursements made from the revenues of New South Wales on account of the Government of New Zealand," amounting to 42,974 *l.* 4 *s.* 2 *d.*, and read the direction given by their Minute of 4th March last, in regard to the transmission of instructions to the Governor of New Zealand, to make arrangements for the repayment of those advances and disbursements out of the first monies at his disposal for the general purposes of his Government, and to the Governor of New South Wales, being apprised of those instructions.

From the despatches of Sir George Gipps, and other documents brought under their consideration, my Lords observe, that in consequence of the reduced state of the public balances at the disposal of the Government of New South Wales, owing to the demands before adverted to, the necessity for procuring repayment, by drafts on Her Majesty's Government at home, of the sums advanced for the service of New Zealand, had been urged upon the Governor; and that as the officer commanding the troops had not considered himself warranted in authorizing the issue for this purpose of bills drawn by the Commissariat, the Governor had determined, with the advice of the Council, to draw bills on my Lords' Board in favour of, and to be negotiated by, the colonial treasurer, and had accordingly drawn the bills advised by the despatch of 27th January.

My Lords also observe that reference was made in the proceedings of the Council to some probable loss by discount on the negotiation of the bills at the particular period at which it had become necessary to draw them; and that an opinion had been expressed by the Council, that the drafts should not be limited to the exact amount of 43,347 *l.* 0 *s.* 4 *d.*, which had been disbursed, but should be for such amount as might be found necessary to realize that sum at the current rates of exchange at which they could be disposed of.

On considering the circumstances connected with the advances for the services of the Government of New Zealand, and under which Governor Sir George Gipps had been induced to accede to the recommendations of the Legislative and Executive Councils in regard to drawing for the repayment of those advances on the Home Government, and as the Governor could not have been apprised of the intention of this Board, that the repayment should be made by the Government of New Zealand, my Lords deem it advisable that the bills so drawn should be duly honoured. In the absence, however, of any grounds for altering the previous decision in regard to the repayment of the advances in question from such revenue or other funds as may accrue in the Government of New Zealand, my Lords do not at present deem it necessary to apply to Parliament for any specific grant or other

NEW ZEALAND.

provisions to meet these drafts of the Governor of New South Wales; but they are of opinion that any issue on this account should be considered as a temporary advance for the service of New Zealand, and consequent transfer of the claim on the funds of this settlement from the Colonial Government of New South Wales to the Home Government; and my Lords are accordingly prepared to authorise the payment of the bills advised by Governor Sir George Gipps, out of the Commissariat chest fund, subject to future repayment of the amount by the Government of New Zealand to the Commissariat chest on that station.

Let copy of the foregoing Minute be transmitted to Mr. Stephen, with reference to his communication of 3d instant, in order that it may be submitted for the information of Lord Stanley.

Request that, in so doing, Mr. Stephen will observe to his Lordship, that my Lords have not considered it necessary on this occasion to remark upon the other points connected with the general financial exigencies or embarrassments of the Government of New South Wales, which are adverted to in the proceedings of the Executive Council of 21st January, as they propose shortly to signify to his Lordship their views in regard to the propositions on the subject of those exigencies which have been brought under their notice by the before-mentioned letters of 30th April last and 3d instant; but my Lords have to request, that in notifying to the Governor of New South Wales the determination of Her Majesty's Government in regard to the bills he has been induced to draw on account of the advances for the service of New Zealand, Lord Stanley will cause him to be apprised that my Lords do not consider that he would be warranted in drawing on their Board for an amount, as suggested by the Executive Council, beyond that of the actual advances for the Government of New Zealand, in order to indemnify the Treasury of New South Wales from any loss from discount on the negotiation of his bills; inasmuch as the necessity for effecting such negotiation at an unfavourable time has resulted from the incautious proceedings of the colonial authorities. My Lords would likewise wish the Governor to be informed that in authorizing the acceptance and payment of his bills, it is not their intention, in the absence of detailed information and vouchers for the charges specified in the statement submitted in his despatch of 17th July last, to recognise in any respect the propriety of those charges, or of placing so large an amount as 26,500 *l.* at the disposal of the acting treasurer to the newly constituted government.

Mr. Stephen will also further observe to Lord Stanley, that "although it is very desirable that the drawing and negotiating of bills on this Board should be confined as far as practicable to the officers of the Commissariat department," my Lords consider the officer commanding the troops in New South Wales to have acted correctly in withholding his sanction for the liquidation of the claims of the local Government on account of New Zealand, through the medium of the Commissariat chest, or by bills to be drawn by the officers in charge of that chest.

Further request Mr. Stephen will move Lord Stanley to cause the Governor of New Zealand to be apprised, with reference to the instructions suggested in the communication from this department to Mr. Stephen of 7th March last, that in consequence of arrangements subsequently made by Her Majesty's Government, the advances from the Colonial funds of New South Wales, for the service of the Government of New Zealand, are to be liquidated by payments from the local revenue of New Zealand, or from such portion of the proceeds of sales of Crown lands in those islands as may not be specially appropriated to expenses of immigration, into the Commissariat chest on that station; and to instruct the Governor to lose no time in taking steps for the liquidation of this debt, by payment at the end of each quarter or half year, to the officers of the Commissariat, of such sums as may remain available out of the funds above mentioned, after defraying the charge of the authorised establishments, and expenses of the civil Government.

Likewise request that Mr. Stephen will observe to Lord Stanley, that my Lords are not aware that any accounts have yet been received from the Government of New Zealand, of the application either of the sums advanced by the Government of New South Wales to the acting treasurer of the settlement, or of the receipts from revenue or from land sales since the establishment of the Government; and my Lords have to suggest that the Governor's attention should be called to the provisions in the instructions relating to the expenditure, and accounting for the local funds forwarded to the Secretary of State in the letter from this department to Mr. Stephen, of 8th February 1841, which require the transmission of the treasurer's accounts quarterly to this country for final audit; that he should be required to see that those provisions are duly carried into effect without delay; and that he should be apprised that the exoneration of himself and of the treasurer, or any other officers concerned in the receipt or expenditure of the colonial funds, from pecuniary responsibility, will depend upon a due conformity to those instructions.

Also request Mr. Stephen will acquaint Lord Stanley, that in further pursuance of the course of proceeding adopted by this Board, in authorizing the original advances from the Land Fund of New South Wales for the service of New Zealand, it is my Lords' intention that a copy of their Minute relating to the present arrangements for the liquidation of those advances should be laid before Parliament.

Let the Bill Clerk note the intention now signified by the Board, in regard to the bills advised by Governor Sir George Gipps's despatch of 27th January last, for his guidance upon the presentation of any of the said bills.

NEW ZEALAND.

— No. 6. —

(No. 53.)

No. 6.
Lord Stanley to Governor Hobson, 9 July 1842.

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 9 July 1842.

WITH reference to my despatch (No. 26) of the 15th of March last, I transmit to you herewith a copy of a despatch which I have received from the Governor of New South Wales, reporting that he had drawn bills to the amount of 5,354 *l.* on the Lords Commissioners of the Treasury, on account of the debt due to that Government by the colony of New Zealand.

No. 14, 27 January 1842.

I also enclose, for your information and guidance, a copy of the despatch which I have addressed to Sir George Gipps upon that subject.

No. 146, 9 July 1842.

I have further to intimate, with reference to my despatch to you above alluded to, that in consequence of arrangements subsequently made by Her Majesty's Government, the advances from the colonial funds of New South Wales for the service of your Government are to be liquidated by payments from the local revenue of New Zealand, or from such portion of the proceeds of sales of Crown lands within the colony as may not be specially appropriated to expenses of immigration, into the Commissariat chest on the station; and you will lose no time in taking steps for the liquidation of this debt by paying to the officers of the Commissariat, at the end of each quarter or half year, such sums as may remain available out of the funds above mentioned, after defraying the charge of the authorised establishments and the expenses of the civil government.

No accounts have yet been received from your Government of the application, either of the sums advanced by the Government of New South Wales to the acting treasurer of New Zealand, or of the receipts from revenue or from land sales; and I have to call your attention to the provisions in the instructions relating to the expenditure of the local funds, and the mode of accounting for them, which were transmitted to you with my predecessor's despatch (No. 11) of the 25th February 1841, which require the transmission of the treasurer's accounts quarterly to this country for final audit. You will take care that those provisions are duly carried into effect without delay; and you must bear in mind that the exoneration of yourself and of the treasurer, or of any other officers concerned in the receipt or expenditure of the colonial funds, from pecuniary liability, will depend upon a due conformity to those instructions.

For Lord John Russell's despatch, 25 February 1841, vide Correspondence relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 47.

I have, &c.
(signed) *Stanley*.

— No. 7. —

(No. 29.)

No. 7.
Governor Hobson to Lord Stanley.
29 March 1842.

COPY of a DESPATCH from Governor *Hobson* to Lord *Stanley*.

Government House, Auckland,
My Lord, 29 March 1842.

I HAVE the honour to report to your Lordship, that under the most pressing emergency I have very reluctantly sanctioned, with the advice of the Executive Council, bills to be drawn on Her Majesty's Treasury for 5,000 *l.*, and will probably require another sum of the same amount in a month to meet the current expenses of this Government.

Your Lordship has been already informed that the direct revenue of this colony falls very far short of the expenditure, and it is from the sale of land alone I can hope to derive sufficient funds to meet the accumulated demands which the number of settlements require me to provide for.

Before the separation of New Zealand from New South Wales, the treasury of that colony provided for the wants of this government in the way of loan; but since that event New Zealand has been solely dependent on her own resources, which, in consequence of the distress in the neighbouring colony, has miserably disappointed my expectation.

In the estimates for 1841, 50,000 *l.* was assumed to be the amount that would be derived from land sales, from which the expense of the Survey

£.	s.	d.
50,000	–	–

£.	s.	d.	
6,164	12	6	Department, 6,164 *l.* 12 *s.* 6 *d.*, was to be deducted, together with 4,000 *l.* for
4,000	–	–	the purchase of land from the aborigines, and a further sum of 2,000 *l.* for works
2,000	–	–	indispensable to give an exchangeable value to the land, viz. roads, bridges, &c.,
12,164	12	6	making in all 12,164 *l.* 12 *s.* 6 *d.*, leaving 37,835 *l.* 7 *s.* 6 *d.* as the net land
37,835	7	6	fund; half of which, 18,917 *l.* 13 *s.* 9 *d.*, was to be applied to emigration pur-
18,917	13	9	poses, and the other half to be available for the expenses of the colony. The
13,000	–	–	revenue of customs was estimated at 13,000 *l.*, other items of the ordinary
6,400	–	–	revenue 6,400 *l.*, making 19,400 *l.*, giving a gross total of 38,317 *l.* 13 *s.* 9 *d.*;
19,400	–	–	and the estimated expenditure, exclusive of the survey, purchase of land, and
38,317	13	9	roads and bridges, was 38,757 *l.* 10 *s.* 10 *d.*
38,757	10	10	
27,559	19	1	The land sales in fact produced only 27,559 *l.* 19 *s.* 1 *d.*, of which sum
2,128	11	2	2,128 *l.* 11 *s.* 2 *d.* was paid into the treasury of New South Wales, and deducted
			from the debt of this colony, leaving a balance actually received by this Govern-
25,431	7	11	ment of 25,431 *l.* 7 *s.* 11 *d.*; from which deduct actual expense of survey,
2,590	8	7	2,590 *l.* 8 *s.* 7 *d.*; purchase of land from aborigines and department of protector
1,438	6	5	of aborigines, 1,438 *l.* 6 *s.* 5 *d.*; roads and bridges, 77 *l.* 12 *s.*; making in the
77	12	–	whole 4,116 *l.* 7 *s.*; thus leaving a balance of 21,474 *l.* 1 *s.* 7 *d.* as the net pro-
4,116	7	–	duce of the land sales; hence we have 10,737 *l.* 0 *s.* 9 ½ *d.* as the sum available
21,474	1	7	for emigration, and an equal amount for the uses of the colony. The customs
10,737	–	9 ½	duty only commenced on the 1st July, and the last quarter for Port Nicholson
			and for the Bay of Islands has not yet been brought into account; hence there
3,072	19	5	is as customs revenue but 3,072 *l.* 19 *s.* 5 *d.* yet credited; other branches of the
2,434	2	4	ordinary revenue have produced 2,434 *l.* 2 *s.* 4 *d.*, making a total of 5,507 *l.* 1 *s.* 9 *d.*;
5,507	1	9	to which is to be added extraordinary revenue, including a loan from New
8,500	–	–	South Wales, 8,500 *l.*, making in all 10,357 *l.* 12 *s.* 6 *d.*; viz.:
10,357	12	6	

	£.	s.	d.
Balance in hand on 1st January 1841 - - -	4,174	10	4
Half land sales - - - - - - -	10,737	–	9 ½
Customs revenue - - - - - - -	3,072	19	5
Other branches of ordinary revenue - - -	2,434	2	4
Extraordinary revenue - - - - - -	10,357	12	6
TOTAL - - -	£. 30,776	5	4 ½

30,776	5	4 ½	£ 30,776. 5 *s.* 4 ½ *d.*; and the actual expenditure to the 31st December was
34,884	13	3	34,884 *l.* 13 *s.* 3 *d.*

It is with regret I have to inform your Lordship, that this excess of expenture over income, and the subsequent payment of salaries and wages accumulated during the last quarter of 1841, obliged me to apply the only available funds within my reach, the land fund, to meet the expenses of the colony.

I had hopes that a sale of suburban allotments, and a small sale of town allotments, which were then advertised, would have saved me from the necessity of drawing without authority on Her Majesty's Government; but the universal distress of the inhabitants, owing greatly to the depressed state of the money market in Sydney, rendered those sales comparatively unproductive, and left me no alternative.

I have, &c.
(signed) *W. Hobson.*

— No. 8. —

No. 8.
Lord Stanley to Governor Hobson, 7 October 1842.

(No. 71.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson.*

Sir, Downing-street, 7 October 1842.

I HAVE received your despatch, No. 29, of the 29th March last, in which you enter into a statement of the financial circumstances of the colony under your government, and intimate that you had, with the advice of your Executive Council, sanctioned the drafts of bills on the Board of Treasury to the amount of 5,000 *l.*; and that you would probably require a further amount of 5,000 *l.* in the course of a month from the date of your despatch, to meet the current expenses of your government. I also learn from your despatch, that the excess of expenditure over income, and the subsequent payment of salaries and wages accumulated

accumulated during the last quarter of 1841, had obliged you to apply the only available funds within your reach, the land fund, to meet the expenses of the colony.

The whole question of the finances of New Zealand is now engaging the serious consideration of Her Majesty's Government, and I shall take another opportunity of addressing you fully on that subject.

The absence of any accurate information regarding the financial proceedings or prospects of your government, and indeed the more favourable anticipations which you had formed of the state of the colonial revenue, had prevented Her Majesty's Government from applying to Parliament during the last Session for any grant in aid of the expenses of the New Zealand government.

As the bills of which you have now given notice have, in all probability, been drawn in the expectation of the continuance of aid from the funds of this country, Her Majesty's Government have resolved to pay them; and after the appropriation of any remaining balance of the parliamentary grant for the previous year to that purpose, such further advances will be made by the Board of Treasury as may be requisite for that purpose, subject to a future application to Parliament, for the provision of funds to repay the issue thus made.

At the same time you must understand that, in relieving your government from the difficulties which would have attended the dishonouring of these bills, it is not intended to convey to you any authority for continuing the practice of drawing on the British Treasury to make good the deficiency of the local revenue; and it will at once be your duty to use every exertion to bring your expenditure within the means of the colony.

I am, &c.
(signed) *Stanley.*

— No. 9. —

No. 9.
Governor Hobson to Lord Stanley, 27 June 1842.

(No. 55.)

COPY of a DESPATCH from Governor *Hobson* to Lord *Stanley*.

Government House,
My Lord, Auckland, 27 June 1842.

HAVING informed your Lordship, by my letter of the 29th of March 1842, that a deficiency in the revenue of the colony had reduced me to the necessity of laying before the Executive Council the necessity for drawing on Her Majesty's Treasury for such money as might be requisite to meet the public exigencies for the ensuing year; and on reference to the records of my office, with a view of making a duplicate of my despatch, I had the mortification to find that no official copy had been kept, and I am now obliged to re-state the case from memory. I beg, however, to transmit the copy of the minute of the Executive Council of the 22d March, which I trust will fully explain the transaction to your Lordship; the first instalment of which, for 5,000 *l.*, was drawn for in 15 sets of bills, dated 23d March, as advised by my letter of the 29th instant, and the second instalment, for the same sum, in a single set of bills, was drawn and advised on the 18th June 1842.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 9.

Encl. in No. 9.

Tuesday, 22 March 1842.

COPY MINUTE.

HIS Excellencythe Governor brought before the Council the present exigencies of the colony, the current income not being able to meet the current expenditure, and that it therefore became necessary to draw upon the public Treasury of Great Britain for funds to carry on the government, and requested the treasurer to inform him what amount was now in the chest; the treasurer stated that the monies in the chest were nearly expended, and was of opinion that a sum of 25,000 *l.* would be required to meet the deficiencies of the present year, and that bills for that amount be drawn immediately; which was unanimously agreed to.

(True Copy.)

(signed) *J. Coates,*
Clerk of Executive Council.

NEW ZEALAND.

No. 10.
Governor Hobson to Lord Stanley, 3 June 1842.

— No. 10. —

(No. 46.)

EXTRACT of a DESPATCH from Governor *Hobson* to Lord *Stanley*, dated Government House, Auckland, 3 June 1842.

No. 1. A. to D.

To place your Lordship in possession as fully as possible of the true state of the financial affairs of the colony, I beg leave to subjoin an abstract of the general unaudited account, which I sincerely regret is not in a state of readiness for transmission, owing to the interruption occasioned by the calamitous fire at the public offices, and the imperfect state in which the accounts have heretofore been transmitted from the outports.

No. 2.

I have also the honour to forward to your Lordship a printed Estimate of the probable expenses of the year, with a notation of the several items which have been wholly or in part dispensed with.

Enclosure 1, in No. 10.

(A.) No. 1.

Encl. 1, in No. 10.

A STATEMENT showing the RECEIPTS in each Month on Account of Sales of Crown Lands in *New Zealand*, between the 19th April 1841 and 30th April 1842.

DATE OF RECEIPT.	AMOUNT.	TOTAL.
1841:	£. s. d.	£. s. d.
April	4,685 2 4	
May	11,678 18 8	
June	62 10 –	
July	359 14 1	
September	3,934 14 3	
October	2,991 7 3	
November	1,719 2 5	
Ditto	72 19 4*	
December	2,128 11 2†	
		27,632 19 6
1842:		
February	1,962 16 –	
March	3,209 1 1	
April	1,307 10 5	
		6,479 7 6
	£.	34,112 7 –

* Interest paid by Mr. Sinclair on an overdue payment for allotments.

† Amount paid into Bank of Australia by Government of New South Wales to credit of New Zealand, being part proceeds of land sale of 19th April 1841.

(B.) No. 2.

STATEMENT showing the DISBURSEMENTS made in and on Account of the Colony of *New Zealand*, from January 1840 to the 30th April 1842.

DISBURSEMENT OR CHARGE.	AMOUNT.	TOTAL.
	£. s. d.	£. s. d.
By disbursements for the year 1840, as per printed statement	19,798 8 11	
Ditto for the year 1841, as per statement herewith	45,960 1 7	
Ditto, made by the Government of New South Wales, as cash advances, to the Treasurer of New Zealand, and for supplies furnished, less 904*l.* 1*s.* 1*d.* included in statement of expenditure for 1840, and 3,235*l.* 18*s.* 11½*d.* in that for the year 1841, as issued from the same	37,679 15 10½	

DISBURSEMENT OR CHARGE.	AMOUNT.	TOTAL.
	£. s. d.	£. s. d.
By disbursements made by the Government of New South Wales, on account of payments made by Colonial Agent-General in England, for passage of Captain Hobson and family, pier Druid, presents to natives, stationery, and house for the residence of the Governor, with furniture for the same	3,636 5 1	
Total Disbursements and Charge to the 31st December 1841		107,074 11 5½
By disbursements from the 1st January to the 30th April 1842		22,841 9 11
TOTAL Disbursements and Charge		129,916 1 4½
DEDUCT:		
By amount of Imprests by Government of New South Wales in favour of treasurer of New Zealand, from which disbursements of 1840 and 1841 are in most part made	26,500 – –	
Advances on account of salary by ditto to officers proceeding to New Zealand, to be repaid to Treasury of that colony	672 4 2	
*Overcharges in statement of disbursements by New South Wales, taken at an average, the return not being yet in a state for completing audit	1,100 – –	
		28,272 4 2
Actual Expense attendant on the Colony of New Zealand, from its formation to the 30 April 1842	£.	101,643 17 2½

The charge for the cutter Ranger forms one of these items, and amounts to 651 *l.* 18 *s.* 11 *d.*, which was actually paid in New Zealand.

(C.) No. 3.

A STATEMENT of the LIABILITIES of the Colony of *New Zealand*, on 30 April 1842.

NATURE OF LIABILITY.	AMOUNT.	TOTAL.
	£. s. d.	£. s. d.
By amount, as per General Statement, from New South Wales, of cash advances, supplies, &c. to New Zealand	45,456 1 –	
*Ditto, borrowed from the Emigration Fund, and from the fund established for promoting the civilization of the Aborigines	16,487 19 2½	
Ditto, bills drawn on Her Majesty's Treasury in London, to meet the expenses of the colony	5,000 – –	
		66,944 – 2½
DEDUCT Amount of Overcharges in New South Wales: Statement, as shown in Enclosure No. 2 to Report		1,100 – –
TOTAL LIABILITIES	£.	65,844 – 2½

* *Note Explanatory:*		£. s. d.	£. s. d.
Total land sales		34,112 7 –	
15 per cent. for Aborigines		5,116 17 –½	5,116 17 –½
		28,995 9 11½	
Amount actually expended for Aborigines		– – –	1,120 16 11
Total to Credit of Aborigines		– – – £.	3,996 – 1½
Total expense of survey, 1840 and 1841, £.	3,933 19 10		
Total expense of roads and bridges	77 12 –		
		4,011 11 10	
		24,983 18 1½	
Deduct 50 per cent. for Emigration		12,491 19 –¾	
TOTAL to Credit of Emigration Fund			12,491 19 –¾
TOTAL AMOUNT BORROWED		£.	16,487 19 2½

(D.) No. 4.—STATEMENT of Expenditure of the Colony of *New Zealand*, for the Year 1841.

DEPARTMENT.	CONTINGENCIES of 1841.			STORES Issued in 1841.			TOTAL CONTINGENCIES.			TOTAL SALARIES.			Total Expense of each Department.			Salaries, Arrears of 1840.			Contingencies, Arrears of 1840.			TOTAL PAYMENTS. in 1841.			GRAND TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
His Excellency the Governor	-	-	-	-	-	-	-	-	-	662	16	1	-	-	-	125	-	-	-	-	-	959	-	9			
His Honor the Judge	-	-	-	-	-	-	-	-	-	171	4	8	834	-	9	-	-	-	-	-	-						
His Excellency's Establishment	135	1	4	-	-	-	135	1	4	133	15	8	268	17	-	16	2	-	100	-	-	384	19	-			
„ Councils	27	6	-	-	-	-	27	6	-	187	18	6	215	4	6	-	-	-	-	-	-	215	4	6			
Department of the Colonial Secretary	-	-	-	-	-	-	-	-	-	1,125	17	9	1,125	17	9	356	4	8	-	-	-	1,482	2	5			
„ Treasury	53	14	11	-	-	-	53	14	11	146	1	11	199	16	10	28	14	4	-	-	-	228	11	2			
„ Customs	530	14	5	41	9	7½	572	4	-½	1,140	1	5	1,712	5	5½	-	-	-	-	-	-	1,712	5	5½			
Commissioners of Land Claims	26	17	8	-	-	-	26	17	8	1,070	4	8	1,097	2	4	327	-	-	59	10	3	1,483	12	7			
Department, Medical	114	13	8¼	10	6	4½	125	-	-¾	177	9	-	302	9	-¾	59	16	-	77	1	-	439	6	-¾			
„ Protector of Aborigines	198	4	3	-	-	-	198	4	3	491	5	8	689	9	11	112	10	-	100	6	6	902	6	5			
„ Post Office	49	3	9	-	-	-	49	3	9	31	11	2	80	14	11	-	-	-	35	15	3	116	10	2			
„ Harbour Master	352	15	9	313	3	7	665	19	4	461	17	-	1,127	16	4	65	-	-	107	13	-	1,300	9	4			
„ Brig Victoria	139	1	9	283	10	11½	422	12	8½	508	2	7	930	15	3½	90	19	3	-	-	-	1,021	14	6½			
„ Storekeeper	39	9	6	-	-	-	39	9	6	308	14	8	348	4	2	55	9	7	-	-	-	403	13	9			
„ The Survey	911	5	5	349	-	10	1,260	6	3	1,589	15	3	2,850	1	6	-	-	-	101	14	5	2,951	15	11			
„ Public Works	6,177	14	7	858	12	1	-	-	-	2,769	10	10	-	-	-	52	15	-	1,382	7	7						
Government House	567	19	1	332	-	9½	8,542	12	2½	-	-	-	11,312	3	-½	-	-	-	-	-	-	12,747	5	7½			
„ Domain	606	5	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
„ Judicial	52	-	9	-	-	-	52	-	9	322	9	4	374	10	1	-	-	-	2	1	-	376	11	1			
„ Sheriff	-	-	-	-	-	-	-	-	-	43	7	3	43	7	3	-	-	-	-	-	-	43	7	3			
Police, Mounted	186	1	10¾	103	1	4	289	3	2¾	205	9	8	494	12	10¾	-	-	-	86	8	5	581	1	3¾			
„ Auckland	49	19	8	97	13	3¼	147	3	11¼	660	5	11	807	9	10¼	87	10	-	-	-	-	894	19	10¼			
„ Russell	63	14	1	24	8	3¾	88	2	4¾	746	4	9	834	7	1¾	258	2	6	66	18	3	1,159	7	10¾			
„ Hokianga	6	19	-	-	-	-	6	19	-	438	4	9	445	3	9	183	14	11	-	-	-	628	18	8			
Gaol, Russell	-	9	3	-	-	-	-	9	3	83	10	-	83	19	3	-	-	-	-	-	-	83	19	3			
„ Auckland	16	4	11½	-	-	-	16	4	11½	-	-	-	16	4	11½	-	-	-	26	9	9	42	14	8½			
Ecclesiastical	-	-	-	-	-	-	-	-	-	112	7	11	112	7	11	37	10	-	-	-	-	149	17	11			
Schools	-	-	-	-	-	-	-	-	-	44	19	1	44	19	1	31	9	5	-	-	-	76	8	6			
Miscellaneous	2,494	19	4	5,531	8	1½	8,026	7	5½	-	-	-	8,026	7	5½	-	-	-	499	17	-	8,526	4	5½			
Land Purchases from Natives	885	18	-	560	-	-	1,445	18	-	-	-	-	1,445	18	-	-	-	-	-	-	-	1,445	18	-			
Roads and Bridges	77	12	-	-	-	-	77	12	-	-	-	-	77	12	-	-	-	-	-	-	-	77	12	-			
Port Nicholson Police	78	16	10	-	-	-	78	16	10	240	12	6	319	9	4	459	6	9	666	11	3	1,445	7	4			
„ Post Office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	5	-	1	5	-			
„ Harbour Master	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	76	7	6	-	-	-	76	7	6			
„ Judicial	12	5	-	-	-	-	12	5	-	-	-	-	12	5	-	-	-	-	-	-	-	12	5	-			
Akaroa Police	41	1	5	-	-	-	41	1	5	464	7	1	505	8	6	143	11	6	56	-	6	705	-	6			
„ Mounted Police	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	19	8	5	19	8			
Advances on account of Salary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	857	18	-			
„ Special Warrant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,420	-	-			
Totals £.	13,896	-	11½	8,504	15	3½	22,400	16	3	14,338	5	1	36,739	1	4	2,567	3	5	3,375	18	10	45,960	1	7	45,960	1	7

Enclosure 2 in No. 10.

No. 5.—ESTIMATE of the Probable EXPENDITURE of the Government of *New Zealand*, for the Year 1842.

ABSTRACT of the Probable EXPENDITURE of the Government of *New Zealand*, for the Year 1842.

NUMBER.	SERVICE.	AMOUNT OF ESTIMATE. £.	s.	d.
I.	His Excellency the Governor and His Honor the Judge	2,200	–	–
II.	Civil Establishment	20,329	17	1
III.	Survey Department	8,869	14	3
IV.	Department of Public Works and Buildings	5,726	5	–
V.	Judicial Department	3,571	–	–
VI.	Department of Police and Gaols	8,300	12	6
VII.	Ecclesiastical	550	–	–
VIII.	Miscellaneous	7,050	–	–
	TOTAL £.	56,597	8	10

Colonial Secretary's Office, Auckland, New Zealand, 16 February 1842.

Willoughby Shortland, Colonial Secretary.

No. 6.—ESTIMATE of the Probable EXPENSES of the Government of *New Zealand*, for the Year 1842.

I. THE GOVERNOR AND JUDGE.	SALARIES. £.	s.	d.	CONTINGENCIES. £.	s.	d.	Total of each Station or Branch. £.	s.	d.	Total of each Department. £.	s.	d.	TOTAL. £.	s.	d.
His Excellency the Governor	1,200	–	–												
His Honor the Chief Justice	1,000	–	–												
				–	–	–	–	–	–	–	–	–	2,200	–	–
II. CIVIL ESTABLISHMENT.															
ESTABLISHMENT OF HIS EXCELLENCY THE GOVERNOR:															
Private Secretary	150	–	–												
Aid-de-camp, 7 *s.* 6 *d.* per diem	136	17	6	*Not filled up.*											
Superintendent of the domain	180	–	–	*The superintendent of the domain also superintends the construction*											
Ranger, at 4 *s.* 6 *d.* per diem	82	2	6	*of roads and bridges.*											
Office-keeper, at 3 *s.* 6 *d.* ditto	63	17	6												
Labourers	–	–	–	438	–	–									
Forage for three horses for the Governor, one for the Private Secretary, and one for the Aid-de-camp, at 2 *s.* 6 *d.* each per diem	–	–	–	–	–	–	*Not drawn for until appointed.*								
	–	–	–	228	2	6									
	612	17	6	666	2	6									
							–	–	–	1,279	–	–			
EXECUTIVE AND LEGISLATIVE COUNCILS:															
Clerk of the Councils	350	–	–												
One clerk	125	–	–	*Only occasionally employed.*											
Messenger	70	–	–	*None, except during Session.*											
Extra ditto during sess. of Council (say 90 days, at 5 *s.*)	–	–	–	22	10	–									
Incidental expenses	–	–	–	20	–	–									
£.	545	–	–	42	10	–									
							–	–	–	587	10	–			
Carried forward £.	–	–	–	–	–	–	–	–	–	1,866	10	–	2,200	–	–

II. CIVIL ESTABLISHMENT *continued.*	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward - -	- - -	- - -	- - -	1,866 10 -	2,200 - -
Colonial Secretary's Department:					
Colonial Secretary - - -	610 - -				
Chief clerk - - - -	300 - -				
Clerks, one at 170 *l.*, two at 140 *l.* each, and one at 125 *l.* - -	575 - -				
Messenger - - - -	70 - -				
One assistant clerk, at 6 *s.* per diem - - - - -	- - -	109 10 -			
Incidental expenses - - -	- - -	10 - -			
£.	1,555 - -	119 10 -	- - -	1,674 10 -	
Treasury:					
Treasurer - - - -	610 - -				
Chief clerk - - - -	200 - -				
Clerks, two at 140 *l.* each, and one at 125 *l.* - - -	405 - -				
Auctioneer's commission - -	- - -	100 - -			
£.	1,215 - -	100 - -	1,315 - -		
Port Nicholson:					
One sub-treasurer - - -	100 - -				
		- - -	100 - -	1,415 - -	
Audit:					
Three commissioners - -	*Duty performed gratuitously.*				
Chief clerk - - - -	220 - -				
Clerks, one at 140 *l.*, and one at 125 *l.* - - - - -	265 - -				
£.	485 - -	- - -	- - -	485 - -	
Customs:					
Auckland.					
Collector - - - -	500 - -				
Additional to the present holder	100 - -				
One clerk - - - -	150 - -				
One landing waiter and tide surveyor - - - - -	200 - -				
One locker - - - -	150 - -				
One messenger - - -	70 - -				
Five boatmen, at 70 *l.* each per annum - - - -	350 - -				
Hire of extra tide waiters - -	- - -	100 - -			
Incidental expenses - - -	- - -	50 - -			
£.	1,520 - -	150 - -	1,670 - -		
Russell.					
One sub-collector - - -	200 - -				
One landing waiter and tide surveyor - - - - -	150 - -				
One locker and tide waiter -	130 - -				
Five boatmen, at 70 *l.* each per annum - - - -	350 - -				
Hire of extra tide waiters - -	- - -	20 - -			
Incidental expenses - - -	- - -	30 - -			
£.	830 - -	50 - -	880 - -		
Carried forward - £.	- - -	- - -	2,550 - -	5,441 - -	2,200 - -

II. CIVIL ESTABLISHMENT —*continued.*	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
Customs—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward	- - -	- - -	2,550 - -	5,441 - -	2,200 - -
Wellington.					
One sub-collector	200 - -				
One clerk	130 - -				
One landing waiter and tide surveyor	200 - -				
One tide waiter and locker	130 - -				
Five boatmen, at 70*l.* each per annum	350 - -				
Hire of extra tide waiters	- - -	100 - -			
Incidental expenses	- - -	50 - -			
£.	1,010 - -	150 - -	1,160 - -		
Nelson.					
One sub-collector and landing waiter	200 - -				
Five boatmen, at 70*l.* each per annum	350 - -				
Incidental expenses	- - -	80 - -			
£.	550 - -	80 - -	630 - -		
New Plymouth.					
One sub-collector and landing waiter	200 - -				
Five boatmen, at 70*l.* each per annum	350 - -				
Incidental Expenses	- - -	20 - -			
£.	550 - -	20 - -	570 - -		
				4,910 - -	
Commissioners for Hearing and Reporting on Titles and Claims to Land:					
One Commissioner	1,000 - -				
One clerk and interpreter	150 - -				
Travelling expenses	- - -	200 - -			
£.	1,150 - -	200 - -	- - -	1,350 - -	
Aborigines:					
Chief protector	400 - -				
Four sub-protectors, at 150*l.* each per annum	600 - -				
One clerk to the chief protector	125 - -				
One native schoolmaster	120 - -				
Two native assistants, at 25*l.* each	50 - -				
Allowance for six natives to the chief protector, and four for each sub-protector, at 20*l.* each	- - -	440 - -			
Forage for one horse, at 2*s.* 6*d.* per diem	- - -	45 12 6			
Travelling expenses	- - -	500 - -			
Incidental ditto	- - -	200 - -			
£.	1,295 - -	1,185 12 6	- - -	2,480 12 6	
Registrar of Deeds:					
To meet the salaries of registrars and clerks to be appointed under the Ordinance for the registration of deeds	860 - -	*But one registrar yet appointed, at a salary of* 300 *l. a year.*			
		- - -	- - -	860 - -	
Carried forward £.	- - -	- - -	- - -	15,041 12 6	2,200 - -

II. CIVIL ESTABLISHMENT —*continued.*	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward - - -	- - -	- - -	- - -	15,041 12 6	2,200 - -
Medical:					
Auckland.					
Colonial surgeon - - -	300 - -				
Allowance for hospital servant, at 2*s.* 6*d.* per diem - -	- - -	45 12 6			
Incidental expenses - - -	- - -	35 - -			
£.	300 - -	80 12 6	380 12 6		
Port Nicholson.					
Colonial surgeon - - -	200 - -				
Medicines and incidental expenses	- - -	35 - -	*One half chargeable on the fund for the protection of aborigines.*		
Forage for one horse, at 2*s.* 6*d.* per diem - - - - -	- - -	45 - -			
£.	200 - -	80 12 6	280 12 6		
Bay of Islands.					
Colonial surgeon - - -	100 - -				
Medicines and incidental expenses	- - -	20 - -	*Not filled up.*		
£.	100 - -	20 - -	120 - -		
				781 5 -	
Post Office:					
Auckland.					
Postmaster-general - - -	160 - -	} *One person at 250 l.*			
One clerk - - - -	125 - -				
Messenger - - - -	70 - -				
Gratuities to masters of vessels for conveyance of ship letters	- - -	30 - -			
Stationery, mail bags, office fittings, &c. - - - -	- - -	45 12 6			
Transmission of overland mails -	- - -	26 - -			
£.	355 - -	101 - -	456 - -		
Bay of Islands.					
Postmaster - - - -	100 - -				
Gratuities to masters of vessels	- - -	20 - -			
Stationery, mail bags, office fittings, &c. - - - -	- - -	25 - -			
Transmission of overland mails -	- - -	26 - -			
£.	100 - -	71 - -	171 - -		
Wellington.					
Postmaster - - - - -	150 - -	- - -	- - *Not filled up. The provisional appointment held by police magistrate, who receives 20 per cent. on postages.*		
Gratuities to masters of vessels, &c.	- - -	30 - -			
Stationery, mail bags, office fittings, &c. - - - -	- - -	25 - -			
Transmission of overland mails -	- - -	26 - -			
£.	150 - -	81 - -	231 - -		
Hokianga.					
Postmaster - - - -	- - -	20 - -			
Gratuities to masters of vessels, &c.	- - -	5 - -			
Stationery, mail bags, office fittings, &c. - - - -	- - -	10 - -			
Transmission of overland mails -	- - -	26 - -			
	—	61 - -			
			61 - -		
Carried forward - - - £.	- - -	- - -	919 - -	15,822 17 6	2,200 - -

II. CIVIL ESTABLISHMENT —*continued.*	Salaries. £. s. d.	Contingencies. £. s. d.	Total of each Station or Branch. £. s. d.	Total of each Department. £. s. d.	Total. £. s. d.
Brought forward	- - -	- - -	919 - -	15,822 17 6	2,200 - -
Waimate.					
Postmaster	- - -	2 - -			
Stationery, mail bags, and office fittings	- - -	5 - -			
	—	7 - -			
			7 - -		
Kaipara.					
Postmaster	- - -	2 - -			
Gratuities to masters of vessels	- - -	5 - -			
Stationery, mail bags, office fittings, &c.	- - -	5 - -			
	—	12 - -			
			12 - -		
Manakau.					
Postmaster	- - -	4 - -			
Gratuities to masters of vessels	- - -	5 - -			
Transmission of overland mails	- - -	20 - -			
Stationery, mail bags, office fittings, &c.	- - -	10 - -			
	—	39 - -			
			39 - -		
New Plymouth.					
Postmaster	- - -	10 - -			
Gratuities to masters of vessels	- - -	10 - -			
Stationery, mail bags, and office fittings	- - -	15 - -			
Transmission of overland mails	- - -	20 - -			
	—	55 - -			
			55 - -		
Wanganui.					
Postmaster	- - -	10 - -			
Gratuities to masters of vessels, &c.	- - -	5 - -			
Stationery, mail-bags, office fittings, &c.	- - -	10 - -			
Transmission of overland mails	- - -	26 - -			
	—	51 - -			
			51 - -		
Nelson.					
Postmaster	- - -	20 - -			
Gratuities to masters of vessels, &c.	- - -	10 - -			
Stationery, mail-bags, office fittings, &c.	- - -	10 - -			
	—	40 - -			
			40 - -		
Akaroa.					
Postmaster	- - -	6 - -			
Gratuities to masters of vessels, &c.	- - -	5 - -	*No expense incurred.*		
Stationery, mail-bags, office fittings, &c.	- - -	5 - -			
	—	16 - -			
			16 - -		
Petoni.					
Postmoster	- - -	10 - -			
Stationery, mail-bags, office fittings, &c.	- - -	10 - -			
Transmission of overland mails	- - -	25 - -			
	—	45 - -			
			45 - -		
				1,184 - -	
Carried forward	- - -	- - -	- - -	17,006 17 6	2,200 - -

Heretofore no expense has been incurred at these places.

II. CIVIL ESTABLISHMENT —*continued.*	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward - - -	- - -	- - -	- - -	17,006 17 6	2,200 - -
Harbour Master:					
Auckland.					
Harbour master - - -	200 - -				
Two coxswains, at 48 *l.* each -	96 - -				
Eight boatmen, at 36 *l.* each per annum - - - - -	288 - -				
Conductor of signal station -	60 - -				
Rations for eleven men, at 25 *l.* 9 *s.* 5¾ *d.* each per annum -	- - -	280 4 3			
Incidental expenses - -	- - -	70 - -			
£.	644 - -	350 4 3			
			994 4 3		
Bay of Islands.					
Conductor of signal station -	60 - -				
		- - -	60 - -		
Port Nicholson.					
Conductor of signal station -	60 - -	*Not yet filled up.*			
		- - -	60 - -	1,114 4 3	
Colonial Store:					
Auckland.					
Storekeeper - - - -	250 - -				
One clerk, at 6 *d.* per diem -	109 - -				
One store porter, at 5 *s.* ditto -	91 5 -				
Incidental expenses - - -	- - -	10 - -			
£.	450 15 -	10 - -			
			- - -	460 15 -	
Superintendent of the powder magazine, Auckland - -	80 - -	- - -	80 - -		
Superintendent of the powder magazine, Bay of Islands -	80 - -	- - -	80 - -	*Not yet filled up.*	
Superintendent of the powder magazine, Port Nicholson -	80 - -	- - -	80 - -		
		- - -		240 - -	
Colonial Brig "Victoria":					
Commander, at 11 *l.* 8 *s.* per calendar month - - -	136 16 -				
First officer, at 6 *l.* per ditto -	72 - -				
Second ditto, and boatswain, at 4 *l.* per month - - -	48 - -				
Steward, at 4 *l.* per month -	48 - -				
Carpenter at 3 *s.* 9 *d.* per day -	63 8 9				
Twelve seamen, each 3 *l.* 10 *s.* per month - - - -	504 - -				
Allowance to the commander for necessary money 24 *l.*, and for stationery 3 *l.* - - - -	- - -	27 - -			
Table allowance to the commander, for himself and first officer, 3 *s.* per day - -	- - -	54 15 -			
Rations for the crew and officers, (17 in number), at 1 *s.* 1½ *d.* each per diem - - -	- - -	349 - 7			
Wear and tear of the vessel and stores - - - - -	- - -	200 - -			
£.	877 4 9	630 15 7			
			- - -	1,508 - 4	
					20,329 17 1
Carried forward - - - -	- - -	- - -	- - -	- - £.	22,529 17 1

	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward	- - -	- - -	- - -	- - -	22,529 17 1
III. SURVEY DEPARTMENT.					
Surveyor-general	610 - -				
Eleven assistant surveyors, five at 220 *l.* each, and six at 200 *l.* each	2,300 - -				
Two clerks and draftsmen, one at 170 *l.* and one at 150 *l.*	320 - -				
One clerk for the preparation of deeds	125 - -				
Messenger	70 - -				
Fifty-five men, at 48 *l.* each	2,640 - -				
Two assistant clerks, one at 75 *l.* and one at 50 *l.*	- - -	125 - -			
Rations to surveyor-general, 11 assistant surveyors, and 55 men	- - -	1,796 19 3			
Allowance in lieu of forage to surveyor-general (two horses), and to five assistant surveyors (one horse each), at 2 *s.* 6 *d.* per diem for each horse	- - -	319 7 6			
Field equipment (including five boats in addition to the three now belonging to the department) for 11 assistant-surveyors, at 42 *l.* 2 *s.* 6 *d.* each	- - -	463 7 6			
Incidental expenses	- - -	100 - -			
£.	6,065 - -	2,804 14 3	- - -	8,869 14 3	8,869 14 3
IV. DEPARTMENT OF PUBLIC WORKS AND BUILDINGS.					
Superintendent of works	180 - -				
Clerk, at 5 *s.* per diem	91 5 -				
Superintendent of stock, at 5 *s.* per diem	91 5 -				
Forage for six horses, at 2 *s.* 6 *d.* each per diem	- - -	273 15 -			
Carts, harness, tools, and incidental expenses	- - -	250 - -			
	362 10 -	523 15 -	886 5 -		
Public Works:					
For clearing the government domain	- - -	150 - -			
Completing the garden in ditto	- - -	75 - -			
		225 - -	225 - -		
Public Buildings:					
For constructing kitchens and cellars to Government-house	- - -	570 - -			
Completing foundation, erecting chimnies and back-walls to ditto	- - -	52 - -			
Painting ditto	- - -	252 - -			
Erecting a guard-room	- - -	115 - -	*contracted for work* 30 *l.*, *materials* 25 *l.*		
Additions to the gaol at Auckland	- - -	100 - -			
Completion of the court-house, with additional rooms	- - -	1,000 - -			
Construction of an office and store for the superintendent of works	- - -	50 - -			
Powder magazine at Port Nicholson	- - -	52 - -			
Carried forward £.	- - -	2,191 - -	1,111 5 -	- - -	31,399 11 4

IV. PUBLIC WORKS—*cont^d.*	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
Public Buildings—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward	- - -	2,191 - -	1,111 5 -	- - -	31,399 11 4
Gaol at Port Nicholson	- - -	860 - -			
Fittings to public offices	- - -	160 - -			
Additions to ditto	- - -	629 - -			
Erecting a custom-house at Auckland	- - -	350 - -			
Completing a signal station at Auckland	- - -	100 - -	*not incurred.*		
Erecting a house for the superintendent of domain	- - -	250 - -	*not incurred.*		
Ditto for the garden tools and seeds	- - -	75 - -			
		4,615 - -	1,111 5 -	5,726 5 -	5,726 5 -
V. JUDICIAL DEPARTMENT.					
Supreme Court:					
Registrar	300 - -				
Clerk	125 - -	*not incurred.*			
Crier of the court and tipstaff	20 - -				
Messenger	70 - -				
Travelling expenses of the judge and officers	- - -	180 - -			
Expenses of jurors and witnesses attending on criminal trials	- - -	250 - -			
Incidental expenses	- - -	10 - -			
£.	515 - -	440 - -	955 - -		
Law Officers of the Crown:					
Attorney-general	410 - -				
Clerk to ditto	125 - -				
Expenses of Crown prosecutions	- - -	100 - -			
Incidental expenses	- - -	5 - -			
£.	535 - -	105 - -	640 - -		
County Courts:					
Auckland.					
Judge	300 - -				
Clerk of the court	200 - -				
Crier	12 - -				
Expenses of witnesses and jurors	- - -	100 - -			
Incidental expenses	- - -	5 - -			
£.	512 - -	105 - -	617 - -		
Bay of Islands.					
Judge	-				
Clerk of the court	200 - -				
Crier	12 - -				
Expenses of witnesses and jurors	- - -	100 - -			
Incidental expenses	- - -	5 - -			
£.	212 - -	105 - -	317 - -		
Port Nicholson.					
Judge	300 - -				
Crown prosecutor	200 - -				
Clerk of the peace	200 - -				
Crier	12 - -				
Expenses of witnesses and jurors	- - -	100 - -			
Incidental expenses	- - -	5 - -			
	712 - -	105 - -	817 - -		
Carried forward £.	- - -	- - -	3,346 - -	- - -	37,125 16 4

V. JUDICIAL DEPARTMENT —*continued.*	Salaries. £. s. d.	Contingencies. £. s. d.	Total of each Station or Branch. £. s. d.	Total of each Department. £. s. d.	Total. £. s. d.
Brought forward	- - -	- - -	3,346 - -	- - -	37,125 16 4
Coroners:					
Auckland.					
Coroner (by fees)	- - -	25 - -			
Medical attendance at inquests	- - -	40 - -			
Allowance to the coroner for travelling expenses	- - -	10 - -			
		75 - -			
			75 - -		
Bay of Islands.					
Coroner (by fees)	- - -	20 - -			
Medical attendance at inquests	- - -	40 - -			
Allowance to the coroner for travelling expenses	- - -	10 - -			
		70 - -			
			70 - -		
Port Nicholson.					
Coroner (by fees)	- - -	30 - -			
Medical attendance at inquests	- - -	40 - -			
Allowance to the coroner for travelling expenses	- - -	10 - -			
		80 - -			
			80 - -		
VI. DEPARTMENT OF POLICE AND GAOLS.				3,571 - -	3,571 - -
Police:					
Auckland.					
Chief police magistrate	300 - -				
One clerk	150 - -				
Chief constable at 5*s.*, three sergeants at 4*s.* 3*d.*, and four privates at 3*s.* 6*d.* each per diem	579 8 9				
Incidental expenses	- - -	5 - -			
£.	1,029 8 9	5 - -			
			1,034 8 9		
Bay of Islands.					
Police magistrate	300 - -				
Clerk	150 - -				
Chief constable at 5*s.*, two sergeants at 4*s.* 3*d.*, and four privates, at 3*s.* 6*d* each per diem	501 17 6				
Four boatmen, at 70*l.* each per annum	280 - -				
Incidental expenses	- - -	5 - -			
£.	1,231 17 6	5 - -			
			1,236 17 6		
Port Nicholson.					
Police magistrate	300 - -				
*Clerk to the magistrates	—				
Chief constable at 5*s.*, three sergeants at 4*s.* 3*d.*, and eight privates, at 3*s.* 6*d.* each, per diem	—				
Four boatmen, at 70*l.* each per annum	834 18 9				
Incidental expenses	280 - -				
*Duty performed by the clerk of the peace.					
£.	1,414 18 9	5 - -			
			1,419 18 9		
Carried forward £.	- - -	- - -	3,691 5 -	- - -	40,696 16 4

VI. DEPARTMENT OF POLICE AND GAOLS—*contd*	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
Police—*continued.*	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward - -	- - -	- - -	3,691 5 -	- - -	40,696 16 4
Hokianga.					
Police magistrate - - -	250 - -				
Chief constable at 5*s.*, one sergeant at 4*s.* 3*d.*, and two privates, at 3*s.* 6*d.* each per diem - - - - -	296 11 3				
Four boatmen, to act as constables, at 3*s.* 6*d.* each per diem - - - - -	255 10 -				
Incidental expenses - - -	- - -	5 - -			
£.	802 1 3	5 - -	807 1 3		
Akara.					
Police magistrate - - -	250 - -				
One sergeant at 4*s.* 3*d.*, and two privates at 3*s.* 6*d.* each per diem, and four boatmen at 70*l.* each per annum -	485 6 3				
Incidental expenses - -	—				
£.	735 6 3	5 - -	740 6 3		
Wanganui.					
Police magistrate - - -	250 - -				
Chief constable at 5*s.*, one sergeant at 4*s.* 3*d.*, and two privates at 3*s.* 6*d.* each per diem - - - - -	296 11 3				
Incidental expenses - -	- - -	5 - -			
£.	546 11 3	5 - -	551 11 3		
Nelson.					
Police magistrate - - -	250 - -				
One clerk - - - -	150 - -				
Chief constable at 5*s.*, one sergeant at 4*s.* 3*d.*, and two privates at 3*s.* 6*d.* each per diem - - - - -	296 11 3				
Incidental expenses - - -	- - -	5 - -			
£.	696 11 3	5 - -	701 11 3		
New Plymouth.					
Police magistrate - - -	250 - -				
Chief constable at 5*s.*, one sergeant at 4*s.* 3*d.*, and two privates at 3*s.* 6*d.* each per diem - - - - -	296 11 3				
Incidental expenses - -	- - -	5 - -			
£.	546 11 3	5 - -	551 11 3		
Gaols:				7,043 6 3	7,043 6 3
Auckland.					
One gaoler at 6*s.* per diem -	109 10 -				
Two assistant gaolers, at 4*s.* 3*d.* each ditto - - - -	155 2 6				
One turnkey, at 3*s.* 9*d.* per diem	68 8 9				
Rations for 10 prisoners, at 9*d.* each per diem - - -	- - -	136 17 6			
Incidental expenses - - -	- - -	10 - -			
£.	333 1 3	146 17 6	479 18 9		
Carried forward - - -	- - -	- - -	479 18 9	- - -	47,740 2 7

VI. DEPARTMENT OF POLICE AND GAOLS—*cont*ᵈ	Salaries.	Contingencies.	Total of each Station or Branch.	Total of each Department.	Total.
Gaols—continued.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Brought forward	- - -	- - -	479 18 9	- - -	47,740 2 7
Bay of Islands.					
One gaoler, at 5 *s.* per diem	91 5 -				
One assistant gaoler, at 4 *s.* ditto	73 - -				
One turnkey, at 3 *s.* 9 *d.* ditto	68 8 9				
Rations for six prisoners, at 9 *d.* each ditto	- - -	82 2 6			
Incidental expenses	- - -	10 0 0			
£.	232 13 9	92 2 6	324 16 3		
Port Nicholson.					
One gaoler at 6 *s.* per diem	109 10 -				
One assistant gaoler, at 4 *s.* ditto	73 - -				
One turnkey, at 3 *s.* 9 *d.* ditto	68 8 9				
Fourteen prisoners, at 9 *d.* each ditto	- - -	191 12 6			
Incidental expenses	- - -	10 - -			
£.	250 18 9	201 12 6	452 11 3		
				1,257 6 3	1,257 6 3
VII. ECCLESIASTICAL.					
Auckland.					
One minister	200 - -	- - -	200 - -		
Bay of Islands.					
One minister	150 - -	- - -	150 - -		
Port Nicholson.					
One minister	200 - -	- - -	200 - -		
		- - -		550 - -	550 - -
VIII. MISCELLANEOUS.					
Stationery for the several departments	- - -	400 - -			
Printing gazettes, ordinances of council, &c. &c.	- - -	1,500 - -			
Purchases of land from the natives	- - -	2,000 - -			
Fuel and lights	- - -	130 - -			
Towards erecting churches and other places of public worship	- - -	1,500 - -			
For roads and bridges	- - -	1,000 - -			
Furniture for government offices	- - -	500 - -			
		7,050 - -	- - -	7,050 - -	7,050 - -
Total	- - -	- - -	- - -	- - £.	56,597 8 10

Colonial Secretary's Office, Auckland, New Zealand,
16 February 1842.

Willoughby Shortland,
Colonial Secretary.

NEW ZEALAND.

ESTIMATE of the probable Amount of REVENUE of the Government of *New Zealand*, for the Year 1842.

	£.	s.	d.	£.	s.	d.
ORDINARY.						
Customs	15,000	–	–			
Post-office	1,020	–	–			
Publicans' and other licences	3,000	–	–			
Auction duties	1,500	–	–			
Fees and fines of public offices	3,000	–	–			
Total of Ordinary Revenue				23,520	–	–
EXTRAORDINARY.						
Probable amount of proceeds of sales of Crown lands, after payment of charges of immigration, the Survey Department, and establishment of the protector of aborigines, togetherwith land purchases from natives				17,824	16	7½
NET REVENUE available for Government purposes £.				41,344	16	7½

Colonial Secretary's-office, Auckland, New Zealand, 16 February 1842.

Willoughby Shortland, Colonial Secretary.

No. 7.

STATEMENT showing the Appropriation of the Revenue arising from the Sale of CROWN LANDS in *New Zealand*.

	£.	s.	d.	£.	s.	d.
Probable proceeds of the sale of Crown lands				50,000	–	–
EXPENDITURE.						
For establishment of protector of aborigines	2,480	12	6			
Purchase of land from the natives	2,000	–	–			
Survey Department	8,869	14	3			
Roads and bridges	1,000	–	–			
				14,350	6	9
Leaving surplus of the Land Fund				35,649	13	4
Deduct 50 per cent. for the charges of Immigration				17,824	16	7½
AMOUNT available for the general purposes of the Colony £.				17,824	16	7½

This calculation has not been realized.

Colonial Secretary's-office, New Zealand, 16 February 1842.

Willoughby Shortland, Colonial Secretary.

No. 8.

ABSTRACT STATEMENT of the REVENUE and EXPENDITURE of the Government of *New Zealand*, for the Year 1842.

REVENUE.	AMOUNT.			EXPENDITURE.	AMOUNT.		
	£.	s.	d.		£.	s.	d.
Ordinary, per Statement No. 2	23,520	–	–	Aggregate amount as per Statement No. 1. £.	56,597	8	10
Extraordinary - ditto - ditto	17,824	16	7½	Deductions, as per Statement No. 3	14,350	6	9
Excess of Expenditure over Revenue	902	5	5½				
TOTAL £.	42,247	2	1	TOTAL £.	42,247	2	1

Colonial Secretary's-office, Auckland, New Zealand, 16 February 1841.

Willoughby Shortland, Colonial Secretary.

No. 9.—ABSTRACT STATEMENT of the RECEIPTS and EXPENDITURE of the Colony of *New Zealand*, and its Appropriaton, for the year 1840.

RECEIPTS.

	REVENUE OF THE YEAR. £. s. d.	TOTALS. £. s. d.
ORDINARY REVENUE:		
Post-office collections	61 1 6	
Licences to Auctioneers	10 – –	
Wholesale spirit licences	330 – –	
Publicans' licences	450 – –	
Fees of the several police courts	19 17 2	
Fines of ditto	55 15 –	
		926 13 8
INCIDENTAL RECEIPTS:		
Proceeds of the sale of damaged blankets	38 10 –	
Ditto damaged provisions	12 18 –	
Amount received from mechanics and others for provisions issued from colonial stores	533 1 7	
Repayment of advances made to officers in New Zealand	50 – –	
Repayment in part of advances made in Sydney to public officers proceeding to New Zealand	237 5 8	
Advances made by the Government of New South Wales for the purpose of defraying the expense of the Colonial Establishment in New Zealand	18,000 – –	
		18,871 15 3
TOTAL £.		19,798 8 11
BALANCE on the 31st December, 1840*		£. 531 4 10

* This balance is chargeable with the greater portion of the expenses of the last quarter of the year 1840.

Willoughby Shortland, Colonial Secretary.

DISBURSEMENTS.

	SALARIES. £. s. d.	CONTINGENCIES. £. s. d.	AMOUNT UNDER EACH HEAD. £. s. d.	TOTALS. £. s. d.
CIVIL:				
Establishment of his Excellency the Governor	733 – 1	61 9 –	794 9 1	
DEPARTMENT OF				
The Colonial secretary	616 10 8	– – –	616 10 8	
Treasury	89 13 –	– – –	89 13 –	
Customs	710 7 2	159 1 –	869 8 2	
Survey	420 – –	562 3 11	982 3 11	
Aborigines	218 10 6	– – –	218 10 6	
Harbour-master	44 18 6	858 18 6	903 17 –	
Colonial surgeon	154 14 –	45 7 11	200 1 11	
Post-office	– – –	29 6 2	29 6 2	
Storekeeper	– – –	7 10 5	7 10 5	
Public works	158 10 –	2,645 14 3	2,804 4 3	
	3,146 3 11	4,369 11 2	7,515 15 1	
				7,515 15 1
JUDICIAL:				
Coroner	– – –	8 7 –	8 7 –	
				8 7 –
POLICE AND GAOLS:				
Mounted police	– – –	3 3 19 4	333 19 4	
Police:—Bay of Islands	450 6 1	187 3 1	637 9 2	
— Hokianga	99 14 3	109 – 1	208 14 4	
— Port Nicholson	113 17 4	112 6 2	226 3 6	
— Auckland	156 18 3	56 3 –	213 1 3	
£.	820 15 11	798 11 8	1,169 7 7	
				1,619 7 7
Amount carried forward £.				9,143 9 8

NEW ZEALAND.

DISBURSEMENTS—*continued.*

	AMOUNT UNDER EACH HEAD.			TOTAL.		
	£.	s.	d.	£.	s.	d.
Amount brought forward - - -	-	-	-	9,143	9	8
MISCELLANEOUS.						
Provisions, blankets, &c., issued to the natives as presents - -	562	11	5			
Purchase of a whale boat with oars, complete, for various purposes	22	–	–			
House-rent at Kororarika for police purposes (used as a temporary court house) from 17th February to 23d March - - -	12	10	–			
Rations supplied to prisoners and others - - - - -	7	1	6			
Erecting a flag staff at Kororarika - - - - - -	2	15	–			
Commission on sale of damaged blankets - - - - -	1	18	6			
Hire of the schooner Trent, employed conveying his Excellency the Lieutenant-governor up the Waitemata river on an exploring expedition - - - - - - - - - -	15	–	–			
Charter of the ship Westminster, for conveying stores, officers, and mechanics from Sydney to New Zealand - - - -	1,009	2	1			
Expenses attending his Excellency's visit to Hokianga - -	8	15	–			
Supplies furnished to the cutter Ranger - - - - -	136	19	11			
Advance to J. R. Clendon on account of rent for buildings at Okiato, occupied for Government purposes - - - -	1,000	–	–			
Rent of a house at Kororarika, occupied as Government offices -	17	10	–			
Hire of the schooner Trent, engaged by Major Bunbury for the furtherance of his negotiations with the native chiefs, in and near the frith of the Thames - - - - - - - -	27	10	–			
Hire of the schooner Ariel, for the purpose of conveying the Rev. Henry Williams to Tauranga and other places on the coast to obtain the adherence of the native chiefs - - - - -	274	6	8			
Passage of three prisoners forwarded to Sydney for trial by the ship Bengal Merchant, and 5 *l.* to the commander as special constable - - - - - - - - - - - -	20	–	–			
Amount paid natives employed in the service of Government, conveying despatches to and from Waimato, to the Bay of Islands and Hokianga - - - - - - - - - -	3	18	–			
Hire of the schooner New Zealander, for the conveyance of W. Shortland, esq., and suite to Kaitaia, for the purposes of obtaining the adherence of the native chiefs in that district - -	30	–	–			
Hire of the barque Integrity, for conveyance of W. Shortland, esq., and a detachment of troops to Port Nicholson on particular service - - - - - - - - - - - -	130	13	–			
Allowance to Major Thomas Bunbury, during his mission to the south on the public service - - - - - - - - -	70	7	–			
Allowance to Mr. Edward Williams as Interpreter, while accompanying Major Bunbury - - - - - - - - -	35	3	6			
Repayment to Major Bunbury of sums paid by him to the Purser Her Majesty's ship Herald, for the entertainment of Mr. W. Stewart, while employed on Government service - - - -	25	10	–			
Repayment to the Purser of Her Majesty's ship Herald, for extra rations to the mounted police while on board that vessel, in the suite of his Excellency the Governor - - - - - -	2	10	6			
Tamati Waka for providing a guide for the mounted police while on a journey to Hokianga, on police service - - - - -	2	–	–			
For making a Union Flag on the occasion of the visit of W. Shortland, esq., to Port Nicholson - - - - - - - -	–	16	–			
Hire of a boat for the health officer when Government boats were away under the Superintendent of Works up the Waikari River	–	6	–			
Allowances to Messrs. Shortland, Smart, Johnson, and Taylor, as travelling expenses while on a mission to Kaitaia - - -	14	–	–			
Purchase of a boat for the use of his Excellency the Governor -	42	19	–			
Allowance to Messrs. Laslett, Cheeseman, and Barnaby, as members of a Board of Survey on the schooner Ariel, when offered for sale to Her Majesty's Government - - - - - -	3	3	–			
Hire of a lighter employed conveying timber from the Waikari river, between the 9th May and 31st July - - - - -	15	12	–			
Expenses incurred employing five natives to convey his Excellency's baggage from Waimata to Kerri-Kerri - - - -	–	12	6			
Amount paid a native for distributing circulars in the districts of Kafia, Hokianga, and Wangaroa - - - - - - -	–	18	–			
Victualling Government officers on board Her Majesty's brig Britomart, while proceeding on a special mission from Russell to Port Nicholson, and from thence to head-quarters - - -	129	–	–			
Passage of the Rev. Richard Davy from the Bay of Islands to Port Nicholson - - - - - - - - - - - -	10	10	–			
Amount brought forward - - - £.	3,635	18	7	9,143	9	8

DISBURSEMENTS—*continued.*

	AMOUNT UNDER EACH HEAD.	TOTAL.
MISCELLANEOUS—*continued.*	£. s. d.	£. s. d.
Amount brought forward	3,635 18 7	9,143 9 8
Repairs to Government boats	9 10 –	
Half-year's subscription to the Port Nicholson Gazette	1 – –	
Amount paid to the Chief Pomare for erecting a raupoo house for his Excellency's servants	10 – –	
Printing proclamations, &c.	14 12 7	
Allowance to W. C. Hayes in lieu of rations	6 4 6	
Victualling Government officers on board the cutter Ranger, while employed in the public service between the 19th April and 31st October	48 15 –	
Stores, &c., purchased in New Zealand for the use of the several departments £. 3,063. 9 *s.* 10 *d.* Valuation of stores issued from the receipts, per ships Westminster and Buffalo, £. 904. 1 *s.* 1 *d.*	3,967 10 11	
		7,693 11 7
LAND PURCHASES.		
Purchase of a tract of land at Manganui from the native chief Nopere Panakareao	100 – –	
Ditto on the river Waitemata	52 – –	
Stores issued to natives in part payment for the above	215 16 2	
		367 16 2
Advances made to officers on account of salary		662 6 8
Ditto ditto to Customs 1,000 *l.*, and to Police Department 400 *l.*, Port Nicholson, for defraying expenses of establishment		1,400 – –
Total Disbursements		19,267 4 1
		531 4 10
	£.	19,798 8 11

Note.—The foregoing statement does not include the amount of stores received from Sydney, per Westminster, Britomart, Giraffe, and those saved from the wreck of the Buffalo, no accounts of the three former vessels having been received; except such as were actually issued to departments from the Buffalo and Westminster, which were valued at the current prices, and amount to 904 *l.* 1 *s.* 1 *d.* as shown in statement.

(No. 10.)

EXPLANATORY STATEMENT of EXPENDITURE in the Department of Public Works, for the Year 1840.

NATURE OF EXPENDITURE.	AMOUNT.
	£. s. d.
Erecting kitchen and out-houses to Government House, and fencing the domain at Russell	520 – –
Erecting a gaol at ditto	420 – –
Ditto ditto at Kororarika	269 – –
Fitting temporary offices at Russell	122 – –
Fitting barracks for mechanics at ditto	110 – –
Erecting bakehouse for the use of the Government mechanics at ditto	50 – –
Fitting a court-house and post-office at ditto	70 – –
Erecting a flag-staff, making saw pits, and draining domain at ditto	73 – –
Erecting a house for the superintendent of works at ditto	60 – –
Erecting raupo houses for schools and boats' crews at ditto	30 – –
Purchase of six houses from Mr. Thompson, (for a custom house at the Bay of Islands, and for public offices at the seat of Government)	700 – –
Estimated expenditure discharging the Westminster, landing and settling mechanics and labourers at Russell, &c.	280 – –
Loading the Anna Watson at Russell, with stores, &c. for the seat of Government on the Waitemata	100 4 3
£.	2,804 4 3

Willoughby Shortland,
Colonial Secretary.

NEW ZEALAND.

(No. 11.)

Dr. Her Majesty's Government of *New Zealand*, In Account Current with *George Cooper*, Esq. Colonial Treasurer, Cr.

For the RECEIPTS and EXPENDITURE of the COLONIAL REVENUE from the 1st January to the 31st December 1841, inclusive.

EXPENDITURE.	Per Abstract.	AMOUNT.	RECEIPTS.	Per Abstract.	AMOUNT.
		£. s. d.			£. s. d.
To fixed Establishment	A	14,464 8 9	By Collectors of Revenue	AA	30,938 10 8
Supplementary Establishment	B	67 10 8	Incidental Receipts	BB	1,503 17 5
Fixed Contingencies	C	6,516 2 6	Advances in aid of Revenue	CC	8,500 – –
Unfixed Contingencies	D	10,276 – 4	Advances repaid	DD	353 15 1
Advances on account of Public Service	F	457 18 –			
Advances on Special Warrant	G	2,420 – –			
Land Purchases from Natives	H	541 – –			
Total Expenditure		34,743 – 3	Total Receipts		41,296 3 2
Balance on hand 31st December 1841		10,727 13 3	Balance on hand 1st January 1841		4,174 10 4
TOTAL £.		45,470 13 6	TOTAL £.		45,470 13 6

I, *George Cooper*, do swear to the best of my knowledge and belief, that the above is a true statement of my Accounts as Treasurer of New Zealand, for the year from the 1st January to the 31st December 1841, and that I have not paid out of the Treasury any sums whatever except on the written authority of the Governor.

(signed) *George Cooper*, Treasurer.

Sworn before me this 12th day of February, in the year Our Lord 1842.

(signed) *Robert A. Fitzgerald*, J.P.

— No. 11. —

No. 11.
Lord Stanley to the Officer administering the Government.

(No. 24.)

COPY of a DESPATCH from Lord *Stanley* to the Officer administering the Government of New Zealand, &c. &c. &c.

Sir, Downing-street, 13 March 1843.

HER Majesty's Government have delayed to the latest period to which they conveniently could the consideration of the question what estimate, if any, should be submitted to the House of Commons for the service of the colony under your government, in the hope that they might have been in possession of further and fuller explanations respecting its finances than any which have yet reached them.

The reported death of Captain Hobson, which (although I have as yet received no official notice of it) there is, I am afraid, no reason to doubt, and his previous illness, are probably the causes of my being so deficient in the desired information.

It had, however, even before the report of Captain Hobson's death reached me, become absolutely necessary to determine, without further delay, what provision for the service of New Zealand should be proposed in the Parliamentary Estimates; and it is necessary that I should now apprise you of the decision come to by Her Majesty's Government, although, previously to so doing, I think it right briefly to recapitulate the correspondence which has taken place on the subject.

The government having been separated from that of New South Wales on the 2d of March 1841, Captain Hobson transmitted, with his despatch of the 4th of August 1841, copies of the estimates which he had formed of the probable revenue and expenditure of New Zealand for one year.

Those estimates were professedly formed on very uncertain data, with the exception of the receipts which had been actually realised from the early sale of Crown lands; no other information at that period being available for Captain Hobson's guidance than such as could be gathered from a reference to the revenue and expenditure of the surrounding colonies.

According to those documents, the gross revenue for a year was estimated at 69,400 *l.*, viz.:

Probable proceeds of sales of Crown lands	£. 50,000
Ordinary revenue	£. 19,400

Deducting from this,—

	£.	s.	d.
1st. Charges on the Crown Land Fund, for estimated expenses of the Surveyor-general's Department	6,164	12	6
Estimated expenses for roads and bridges	2,000	–	–
Estimated charge for purchase of land from the natives	4,000	–	–
	£. 12,164	12	6

And secondly, Moiety of net proceeds of Land Fund which would be applicable to emigration	£. 18,917 13 9
The estimated resources to meet the ordinary expenditure amounted to	£. 38,317 13 9

NEW ZEALAND.

The gross expenditure for a year in the colony, exclusive of immigration charges, was estimated at - - - -	£. 50,922 3 4
Deducting from which the Land Fund charges, above specified - - - - - - - - - - -	£. 12,164 12 6
There remained an expenditure of - - - - -	£. 38,757 10 10
Exceeding the estimated revenue by - - - -	£. 439 17 1

And in addition to the estimate of the receipt from land sales, the fact of sales having been actually effected, to the amount of 24,275 *l.* 19 *s.* 7 *d.*, on the 19th of April 1841, was reported by Captain Hobson's despatch of one day's later date. This despatch was received by me on the 15th January 1842; and although, had it been necessary, it would have been possible at that date still to have applied to Parliament in last session for pecuniary aid,—an estimate showing so trifling a deficiency, of course led Her Majesty's Government to anticipate that no assistance would be required.

On the 15th January 1842, five months after Captain Hobson's first despatch on this subject,—in a despatch for the transmission of which he stated that an "unexpected and hurried" opportunity had presented itself, he represented, with reference to the financial state of the colony, the "utter impossibility of carrying on the government of the colony without the assistance of th e Home Government;" observing that the produce of the direct revenue, being not more than 13,000*l.* a year, and the land revenue having as yet been comparatively unproductive, would explain the financial crisis with which the colony was threatened.

Captain Hobson, at the same time, forwarded a brief summary of the receipt and expenditure between the 2d May and the 31st December 1841, expressing his regret that, from the hurried manner in which the document was drawn up, it would give but an imperfect idea of the expenses of the colony; and he submitted observations on some of the items of expenditure.

According to that summary the receipts had amounted to 27,601 *l.* 19*s.* 5*d.* including 20,746*l.* 6*s.* 9*d.* as proceeds of land sales; and the expenditure, including 2,877 *l.* 18 *s.* for imprests to public officers, and 541 *l.* for purchase of land from aborigines, and stated also to include public works, improvements, and roads necessary to make the land available, had amounted to 33,026 *l.* 18*s.* 8*d.* being an excess of 5,424 *l.* 19*s.* 3*d.* beyond the receipts; but from what source this excess had been defrayed did not appear. This despatch was not received by me till the 22d of July in the same year, too late a period to enable me with propriety to propose to my colleagues any measure to be submitted to Parliament that session, involving additional expenditure, even had the information it contained been sufficiently full to justify my so doing, unless under more urgent circumstances than could be collected from that despatch to exist.

On the 29th March 1842, Captain Hobson addressed to me a further despatch, in which he reported that, under the most pressing emergency, he had reluctantly sanctioned, with the advice of the Executive Council, the drawing bills on the Lords Commissioners of the Treasury for 5,000 *l.*; that he probably would require another sum of the same amount, in a month, to meet the current expenses of the government; and (reverting to informafion already given, that the direct revenue of the colony fell very far short of the expenditure) he observed that it was from the sale of land alone he could hope to derive sufficient funds to meet the accumulated demands which the number of settlements required him to provide for; adding, that the resources of the colony, since the separation of New South Wales, had "miserably disappointed his expectations."

Captain Hobson then recapitulated the items of revenue as they appear upon the estimates submitted in the despatch of the 4th August 1841; stated generally

rally that the produce of the revenue and other receipts for the period only to the 31st December 1841 had amounted to 30,775 *l.* 5 *s.* 4½ *d.*, while the actual expenditure was 34,884 *l.* 13 *s.* 3 *d.*; expressed his regret that this excess of expenditure over income, and the subsequent payment of salaries or wages accumulated during the last quarter of 1841, obliged him to apply the only available fund within his reach, viz. the Land Fund, to meet the expenses of the colony; and conclude by observing that he had entertained hopes that the sale of some suburban and town allotments would have saved him from the necessity of drawing without authority on Her Majesty's Government, but that the universal distress of the inhabitants, owing greatly to the depressed state of the money market in Sydney, had rendered those sales comparatively unproductive, and had left him no alternative.

The several amounts of receipt or expenditure stated in that despatch still had reference to the period only from the 2d of May to the 31st of December 1841, but Captain Hobson nevertheless unfortunately omitted to furnish those explanatory details, to the want of which he had adverted in the previous despatch of the 15th January, and without which it must be obvious that no well-founded opinion as to the future financial prospects of the colony, or the propriety of his past proceedings, could be formed; and this omission is the more remarkable, as the late governor not only referred in general terms to a large arrear of salaries and expenditure, but in the instance also of the largest item of regular revenue, viz. the customs collections, the same amount of receipts only as was stated on the 15th January is referred to on the 29th March, with an observation implying that the collection at Port Nicholson and at the Bay of Islands for the quarter ending 31st December had not yet been brought into account, although the amount of those collections at such important stations ought most unquestionably to have been ascertained. The result of the statement for the eight months to the 31st December, which is contained in that despatch, would be as follows; viz.

	£.	s.	d.
1. Land Fund:			
Proceeds of Land Sales received in New Zealand	25,431	7	11
Deductions:			
Expenses of survey	2,590	8	7
Protection of Aborigines and purchase of Land from them	1,438	6	5
Roads and bridges	77	12	–
	4,106	7	–
Leaving net proceeds £.	21,325	–	11
2. Revenue Fund:			
Moiety of proceeds of sales applicable to the general expenditure of the Government	10,662	10	5½
Customs revenue	3,072	19	5
Other branches of ordinary revenue	2,434	2	4
Extraordinary revenue	1,857	12	6
The Total of Revenue applicable to the general Expenditure, exclusive of the omitted collections at the out-ports, being therefore £.	18,027	4	8½
The Expenditure during the same period, exclusive of Land Fund Charges, is stated to have been £.	34,884	13	3
Exceeding the Revenue by £.	16,857	8	7½

And likewise greatly exceeding the proportionate charge for the period, according to the estimate formed in July 1841, although an arrear of salaries to the 31st December still remained to be provided for.

	£.	s.	d.
	38,757	10	10
⅔rds.	25,838	7	3

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	£.	s.	d.
The above expenditure would seem to have been partly defrayed from a balance in hand on the 1st of January 1841, of - - - - - - - - -	4,174	10	4
And a loan obtained from the Treasury of New South Wales	8,500	–	–
	£. 12,674	10	4
Still leaving an excess beyond the income of - -	£. 4,182	18	3½

To meet this excess, as well as the salaries and wages for the last quarter of 1841, which remained in arrear, Captain Hobson stated that he had had recourse, as already adverted to, to the moiety of the Land Fund which should have been reserved for emigration charges; and these resources, as well as any further receipts from revenue being, it is to be presumed, exhausted, he had proceeded to draw upon the Board of Treasury the bills to the amount of 5,000 *l.* advised by his despatch of the 23d March.

This despatch was not received by me till the 9th of August, a few days previous to the close of the last Session of Parliament.

On the 3d of June 1842 Captain Hobson addressed to me a despatch, which affords the latest details of which I am in possession with respect to the financial state of New Zealand. The only despatch received by me of later date, viz. June 27th, announced his intention to draw for 25,000 *l.*, but adds nothing to the information before sent.

The enclosures in the despatch of June 3d consist of,

1. A statement showing the receipts in each month on account of sales of Crown lands in New Zealand between the 19th April 1841 and 30th April 1842.

2. A statement showing the disbursements made in and on account of the colony of New Zealand from Captain Hobson's arrival in January 1840 to the 30th of April 1842.

3. A statement of the liabilities of the colony of New Zealand on the 30th April 1842.

4. A statement of expenditure of the colony of New Zealand for the year 1841.

5. An abstract of the probable expenditure of the government of the colony of New Zealand for the year 1842.

6. An estimate of the probable amount of revenue of the government of New Zealand for the year 1842.

7. A statement, dated the 16th February 1842, showing the appropriation of the revenue arising from the sale of Crown lands in New Zealand.

8. An abstract statement of the estimated revenue and expenditure of the government of New Zealand for the year 1842.

9. An abstract statement of the receipts and expenditure of the colony of New Zealand for the year 1840.

10. An explanatory statement of expenditure in the department of public works for the year 1840.

11. Statement by the colonial treasurer of the receipts and expenditure of the colonial revenue from the 1st January to the 31st December 1841 inclusive.

I am, therefore, thus furnished with at least the gross expenditure down to the end of April 1842, together with the receipts on account of land to the same period, but as there was unfortunately no notice of the receipts on any other account, the information of which I am in possession still remains incomplete in that most important particular; and the only further information of which I am in possession on the subject is the announcement contained in Captain Hobson's subsequent despatch of the 27th June, that he had proceeded to give effect to the intention he had previously intimated, of having further recourse to the British Treasury for supplying the means of making up deficiency

deficiency of the local revenues to meet the general expenditure of his government, by drawing for another sum of 5,000 *l.*; and that he contemplated additional drafts to cover deficiencies for the year, which it had apparently been assumed by the council might amount in all to 25,000 *l.*

Such, then, being the outline of the information of which I am in possession respecting the financial condition of the colony now under your government, and such information, although neither full nor explicit, making it, unfortunately, impossible to arrive at any other conclusion than that the present resource of the colony is not sufficient even to provide for its expenditure on the scale upon which Captain Hobson had calculated it, much less to discharge the heavy liabilities incurred (inevitably no doubt) in its first foundation,—I have, in concert with the Lords Commissioners of the Treasury, most carefully considered what reduction it seemed possible to effect, with a view to equalising the revenue and expenditure; and also what assistance, if any, ought to be asked of Parliament towards either the current or the past expenditure of the colony.

The results at which Her Majesty's Government have arrived on both these heads, are detailed in the minute of the Board of Treasury, dated March 10th, of which a copy is enclosed.

It is right that I should add, with reference to the debt of 12,000 *l.* stated to be due to the Emigration Fund, that it has not been taken into account in providing from the funds of this country for the existing liabilities of the colony; because emigration to the amount of nearly 12,000 *l.* has been sanctioned and carried into effect on the presumption that this fund would be available for the purpose of defraying the charge.

If you shall have been able to have provided the funds necessary to meet it, the debt will have been cancelled; if not, Her Majesty's Government still cannot undertake to provide ultimately from the funds of this country for its repayment, but the expense of the emigration which has been effected must be considered a first charge upon the proceeds of land sold under the recent Act of Parliament.

I must also observe that the sum of 10,000 *l.* proposed to be provided for the drafts now outstanding will, I am aware, cover part only of the amount of 25,000 *l.* which the late government was advised by the Executive Council to draw for; but I treat the amount of the drafts on this account as limited to the 10,000 *l.*, because I cannot but hope that further consideration would have led that officer not to adopt in full the very ill-judged recommendations of his advisers. You will, I trust, by the assistance of the Treasury minute, be able to make yourself completely master of the views of Her Majesty's Government as to the reductions which it will be necessary to effect, and the aid it is proposed to grant to the colony now under your charge.

It is not, however, my wish that you should, in the interval before the arrival of Captain Hobson's successor, do more than make known the principles on which reductions will take place; but with respect to the pecuniary assistance proposed to be afforded from this country, it is right that I should make you aware that it is the only aid which you must expect to receive, and that you must consider yourself as prohibited most expressly from, on any account, resorting to Imperial funds for any further assistance, in addition to the precise sum allotted. Her Majesty's Government cannot admit, that, under the plea of emergency, you are to consider yourself justified in drawing bills upon the Lords of the Treasury; and should bills be drawn by you for any other service than those particularly specified in the minute of the Lords Commissioners of the Treasury, without previous permission being obtained, I must caution you, that such bills will inevitably be dishonoured: a caution which it will be my duty to render further effective by giving as much publicity to it as I conveniently can.

In conclusion, I ought explain to you that I have adopted the rather unusual, and in many respects inconvenient, course of addressing you on the subject of an estimate not yet sanctioned by the House of Commons, because I found it impossible to convey to you the views of Her Majesty's Government on the subject of the finances of the colony under your government, without adverting to the amount of aid they were prepared to recommend Parliament to grant to you; though, at the same time, I thought it advisable to inform you of those views with the least possible delay.

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You will, of course, not consider the proposed contribution from the funds of this country as secured to you until advised by me that the estimate has been adopted by the House of Commons; but as any doubt upon that head will render the reductions I have pointed out, and the caution I have given you against drawing on the Imperial Treasury, only the more necessary, I have to direct you to proceed forthwith to carry into effect my instructions on the former head, and to urge upon you the strictest adherence to my warning upon the latter; reminding you that the inevitable consequence of unauthorized drafts by you on the Treasury, will be their dishonour.

I have, &c.

(signed) *Stanley.*

Enclosure in No. 11.

Encl. in No. 11.

COPY of TREASURY MINUTE, dated 10 March 1843.

READ a letter from Mr. Stephen, dated 22d ultimo, stating, with reference to previous correspondence on the subject of the financial condition of the settlements in New Zealand, and the expenditure that has been incurred for the government of those settlements, that Lord Stanley entirely concurs in opinion with this Board as to the necessity for adopting such arrangements and regulations as shall prevent the governor of New Zealand from considering himself warranted in drawing bills on Her Majesty's Treasury, or in taking any other measures, without specific previous authority from the Home Government, for supplying from the resources of this country deficiencies of the colonial resources.

Mr. Stephen then adverts to a classification of the charges which appear to have been incurred or contemplated by the government of New Zealand, in such manner as to distinguish those more immediately appertaining to the representation and exercise of the authority of the Crown in the civil government and the supreme courts of justice, to the administration of the civil government, and to religious instruction; and he refers to the conclusions deducible from such imperfect information, in regard to the financial resources of the colony, as have yet been received from the local government; and proceeds to state Lord Stanley's opinion, that had there been any clear prospect that the colonial revenue would have sufficed for the purposes of economical government, a rigid instruction to the governor to keep the expenditure within the actual means of the colony, would have tended to promote frugality; but that if the attainment of that end is not within the reasonable bounds of probability, such an instruction, instead of stimulating the local government to exertion, would tend rather to a contrary effect. He also further states, that, acting on this view of the question, his Lordship would propose that an estimate in aid of the revenues of New Zealand, to the extent hereafter specified, should now be submitted to Parliament; viz.:—

	£.	s.	d.
Governor	1,200	–	–
Establishment and contingencies	350	15	–
Chief justice	1,000	–	–
Law officers and clerk	525	–	–
Chief secretary and establishment	1,235	–	–
Clerk of the council and establishment	545	–	–
Chaplain and schools	590	–	–
£.	5,445	15	–
To the provision for these services, his Lordship proposes adding the expense of the colonial vessel	1,500	–	–
And so much of the salary of the Bishop of New Zealand as is borne on the Parliamentary estimates	600	–	–
Making a Total of £.	7,545	15	–

And having by this aid placed the local treasury in condition to provide for all the necessary machinery of the executive government, Lord Stanley would propose to leave the subordinate local courts, police, and other establishments of that nature, to be defrayed, as has been proposed by this Board, to a great extent, if not entirely, by special local assessment, unless from any peculiar local circumstances it might be shown to be reasonable that assistance should be given out of the general revenue proportioned in some degree to the amount of revenue collected in the locality profiting by it.

My

NEW ZEALAND.

Parl. Papers, No. 568, Aug. 1842.

My Lords have before them the estimates of the probable revenue and expenditure of the government of New Zealand for one year, which had been prepared by the local government in July 1841; and likewise further estimates of the revenue and expenditure for the year 1842, and other documents relating to the financial state of the colony, which had been prepared for the information of the local legislative council in February 1842.

My Lords also refer to their Minute of 10th June last on the subject of the acceptance of bills drawn on their Board by the Governor of New South Wales, in liquidation of advances made for the service of the government of New Zealand, and to letters from Governor Hobson of the 23d March and June last, advising bills drawn by himself for two several amounts of 5,000 *l.* each, in accordance with a recommendation of his council that recourse should be had to such drafts to meet the deficiencies of the revenue of the year.

Having considered the estimates of the colonial government before them, with reference to those arrangements and principles by which my Lords conceive it to be advisable that the establishments and expenditure of colonial governments, especially in the case of newly formed colonies, should be regulated, it has appeared to my Lords, that of the aggregate expenditure comprised in the estimate of February 1842, amounting to 56,597 *l.* 8 *s.* 10 *d.*, 25,787 *l.* 13 *s.* consists of charges which should be provided for from the Land Fund or from other special sources; and that the remaining amount of 30,809 *l.* 15 *s.* 10 *d.* would admit of reduction, by the exclusion of unnecessary and superfluous salaries and other expenses, amounting to 5,751 *l.* 16 *s.* 7 *d.*, without in any respect impairing the proper efficiency of the local establishments; leaving expenditure to the amount of 25,057 *l.* 19 *s.* 1 *d.* to be provided for from the general revenue.

My Lords having before them specific statements explanatory of the reductions above mentioned, and of the expenses chargeable upon special funds, propose to direct the transmission of copies thereof to Lord Stanley, in order that the requisite instructions on these subjects may be forwarded to the Governor of New Zealand.

At the same time, my Lords deem it necessary to observe, with reference to the last-mentioned class of charges, that although the same sums are inserted in these statements for expenses of the post-office department, and for the magistrates and police, as in the colonial estimate, it is not by any means their intention to imply approval in either of these respects of this estimate, inasmuch as that the post-office having been placed under the directions of Her Majesty's Postmaster-general, the department will be conducted and the expenses of it provided for under such instructions as he may see occasion to issue; and that the salaries assigned to the magistrates, being nearly equivalent to those granted for the more arduous duties of analogous appointments in the neighbouring penal settlements of New South Wales and Van Diemen's Land, would appear to be unnecessarily high; the number also of these functionaries, and of the police, would necesarily depend upon the amount of the special provision that may be made for them.

My Lords likewise deem it necessary to observe, that the amount of expenditure for the survey department will in a great measure depend upon the demand for land and the extent of the sales effected; that the purchase on behalf of the government, of land from the natives, as well as the necessity for incurring expenditure for roads and bridges, will also be in a great measure dependent on those sales and on the consequent means the Land Fund will afford for defraying the charges, and that the appropriations for carrying on other public works must be contingent upon the state of the funds at the disposal of the government.

The amount of expenditure chargeable on the general revenue, being reduced by the foregoing modification estimate of the colonial government to 25,057 *l.* 19 *s.* 1 *d.*, including an appropriation of 5,385 *l.* for works and buildings, and the produce of the ordinary revenue of the colony being estimated for the same year at 23,520 *l.* (wholly exclusive of any portion of the proceeds of land sales which might become applicable to the general expenditure) it might have been questionable, assuming those estimates to have been further applicable to the current year, whether the colony ought not to be considered as already in a condition to provide for the whole charge of its civil government and establishments.

But taking into consideration that some time might elapse before the special municipal arrangements adverted to in the Governor's despatch of the 16th January 1842, whereby various local expenses which had been inserted in the general estimates should be provided for, could be carried into effect; that the produce of land sales (although estimated by the local government for the same year at 50,000 *l.*) is liable to much uncertainty, and may render it necessary to have recourse to other resources of the colony for the means of meeting some portion of the charges properly payable from that fund; and that it will also be requisite that such amount as had been appropriated by Her Majesty's Government to emigration, before it was known that the Governor had made other and unauthorized application of the whole of the land sale proceeds, should yet be made good from the Land Fund; my Lords are induced to concur in Lord Stanley's proposition, that an estimate should be submitted to Parliament for a grant in aid of the revenue of New Zealand, for the year 1843-4, to the extent specified in Mr. Stephen's letter, with such addition as will provide for the increased rates of salary accruing to the Chief Secretary and Attorney-General, according to the scale referred to in the estimate laid before Parliament in the Session of 1841.

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But in addition to this aid for the ensuing period, on referring to a statement which has been furnished by Governor Hobson, of the liabilities of the colony on the 30th April 1842, and to the amount and nature of the expenditure that has been incurred since the establishment of a British Government in New Zealand, and the small amount realized from local revenue during the year 1841, it appears obvious to my Lords, that in order to the colonial government being enabled to provide from the resources of the colony for the future expenditure and charges of its civil establishments, it will be necessary that the colonial funds should be relieved from any claims for repayment on account of the drafts on this Board for 10,000 *l.* reported in the Governor's despatches to the Secretary of State of 29th March and 27th June 1842, and specifically advised by his letters to this department of 23 March and June 1842.

And my Lords are at the same time constrained to relinquish (however reluctantly) any expectation that the colony will be enabled to repay the large advances obtained from the government of New South Wales, or to carry into effect the arrangement for the final adjustment of these advances, which was contemplated by their Minute of 10th June last.

For further grants for these purposes, therefore, application to Parliament appears to my Lords to have now become necessary; and they are accordingly induced to direct the addition to the estimate proposed by Lord Stanley, of a sum of 8,588 *l.* 8 *s.* 4 *d.* to cover the balance of the abovementioned bills, after applying the residue of the Parliamentary grant for the year 1841–2, which may, however, be considered in substitution for a specific grant for the year 1842–3, and of a sum of 45,539 *l.* 5 *s.* to cover the advances from the funds of New South Wales.

At the same time, my Lords are of opinion that, in conveying authority to the Governor of New Zealand to draw to the extent of the contemplated Parliamentary vote for 1843–4, he should be prohibited, in the most explicit terms, from drawing for any further or additional amount. And should the Governor, acting under the mistaken impression which seems to have pervaded the local council, that he was warranted in drawing for any deficiency of the colonial income to defray such establishments and expenses of every description as the council had sanctioned, have drawn, previously to his receiving this authority, for more than the amount of 10,000 *l.*, advised by the despatches and letters before adverted to, such drafts should, as my Lords conceive, be payable from the vote in question, and should be considered as a deduction from the amount for which he would otherwise be authorized to draw.

My Lords deem it further necessary to remark, that the considerations to which they have adverted, with the apparent financial prospects of the colony, do not lead them at present to anticipate a necessity for future annual votes in aid of the revenues of New Zealand.

With the amount of aid and relief now contemplated, it appears to my Lords that the colonial resources, under careful and economical management, may be reasonably expected to furnish sufficient means for defraying the necessary expenses of the civil government and establishments, and for liquidating the debt to the Emigration Fund, by meeting the engagements that have been incurred for this service.

My Lords observe, that in the statement of liabilities a further debt is adverted to, as owing to a fund which is assumed to have been established for promoting the civilization of aborigines; but my Lords do not apprehend that it was the intention of Her Majesty's Government, in sanctioning expenditure to the extent of 15 per cent. of the net land revenue for purposes connected with this object, to constitute any accumulating fund, or that any retrospective demand on this account need be provided for; and my Lords are of opinion that, except in cases of extraordinary and unlooked-for fluctuation in the revenue, the expenditure of the colony should be regulated by the amount of the colonial provision made for it, and they have little doubt but that the general revenue will prove sufficient for defraying all approved and necessary establishments of the general government, if charges for objects of special local improvement or accommodation are provided for by special local imposts.

ABSTRACT of ESTIMATE of EXPENDITURE of the Government of *New Zealand* for the Year 1842; of Deductions to be made therefrom; and of Charges to be Defrayed from Special Funds.

	Original Estimate.	Retained, payable from General Revenue.	Disallowed.	Chargeable on Special Funds.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Governor	2,479 – –	1,550 15 –	928 5 –	–
Chief Justice	1,000 – –	1,000 – –	–	
Attorney-general	535 – –	535 – –	–	
Colonial Secretary and Clerk of the Council	2,262 – –	1,790 – –	310 – –	–
Treasury	1,415 – –	1,035 – –	280 – –	–
Audit	485 – –	325 – –	160 – –	–
Customs	4,910 – –	3,830 – –	630 – –	–
Supreme Court, establishment, contingencies, and Crown prosecutions	1,060 – –	935 – –	125 – –	–
Local courts	1,751 – –	1,751 – –	–	
Coroners	225 – –	225 – –	–	
Gaols	1,257 6 3	956 3 9	301 2 6	–
Ecclesiastical	550 – –	550 – –	–	
Medical	781 5 –	– – –	781 5 –	–
Harbour-master	1,114 4 3	180 – –	934 4 3	–
Superintendents of powder magazines	240 – –	240 – –	–	
Colonial storekeeper	460 15 –	– – –	460 15 –	–
Colonial vessel	1,508 – 4	1,508 – 4	–	
Public works, tools, and contingencies	5,726 5 –	5,385 – –	341 5 –	–
Building churches	1,500 – –	1,500 – –	–	
Post-office	1,184 – –	– – –	– – –	1,184 – –
Land titles	1,350 – –	– – –	– – –	1,350 – –
Registrar of deeds	860 – –	– – –	– – –	860 – –
Magistrates and police	7,043 6 3	– – –	– – –	7,043 6 3
Survey department	8,869 14 3	– – –	– – –	8,869 14 3
Aborigines	2,480 12 6	– – –	– – –	2,480 12 6
Land purchases	2,000 – –	– – –	– – –	2,000 – –
Roads and bridges	1,000 – –	– – –	– – –	1,000 – –
General contingencies	1,050 – –	* 1,262 – –	– – –	*500 – –
Printing Gazettes and Orders of the Council	1,500 – –	500 – –	500 – –	500 – –
£.	56,597 8 10	25,057 19 1	5,751 16 9	25,787 13 –

* Including incidental expenses in Departmental Estimate.

STATEMENT of SALARIES or CHARGES comprised in the Estimate of ESTABLISHMENTS and EXPENDITURE of the Government of *New Zealand* for the Year 1842, to be disallowed as superfluous and unnecessary in the present state of the Colony.

	£. s. d.	
Establishment of the Governor:		
Aide-de-camp	136 17 6	
Superintendent of the domain	180 – –	
Ranger of ditto	82 2 6	
Labourers	438 – –	– – Expenses of clearing, fencing, and completing the gardens being provided for under the head of Public Works.
Horse forage for Aide-de-camp and private secretary	91 5 –	
£.	928 5 –	
Colonial Secretary's Establishment:		
Additional salary to chief clerk	30 – –	Superfluous.
Two clerks, at 140 *l.* each	280 – –	
£.	310 – –	

NEW ZEALAND.

		£. s. d.	
Treasurer's Establishment:			
Two clerks, at 140 *l.* each - -	£.	280 – –	Superfluous.
Audit Establishment:			
Additional salary to first clerk - -		20 – –	Ditto.
One clerk - - - - - -		140 – –	
	£.	160 – –	
Customs Department:			
Landing-waiter and surveyor at Russell		150 – –	-- From the small amount of trade stated to be carried on at this port, a sub-collector, with occasional assistance and aid of the police boat, appears to be sufficient for the business of the station.
Locker and tide-waiter - - -		130 – –	
Five boatmen - - - - -		350 – –	
	£.	630 – –	
Supreme Court:			
Clerk to the registrar - - -	£.	125 – –	Superfluous.
Gaol Establishments:			
Auckland, two assistant gaolers - -		155 2 6	-- Unnecessary in addition to gaolers and turnkeys at each station.
Bay of Islands, one ditto - - -		73 – –	
Port Nicholson, one ditto - - -		73 – –	
	£.	301 2 6	
Medical Establishments:			
Auckland, surgeon and contingencies -		380 12 6	-- Medical attendance on gaols, or other public duties, to be specially paid for, either from general revenue or special local rates.
Port Nicholson - ditto - - - -		280 12 6	
Bay of Islands - ditto - - - -		120 – –	
	£.	781 5 –	
Harbour-master at Auckland:			
Harbour-master - - - - -		200 – –	-- Trade of the place alleged not to require such an establishment in addition to that of the customs and police department.
Two coxswains - - - - -		96 – –	
Eight boatmen - - - - -		288 – –	
Rations - - - - - -		280 4 3	
Incidental expenses - - - -		70 – –	
	£.	934 4 3	
Colonial Storekeeper and Establishment - - - - - -	£.	460 15 –	-- Stores for public works to be taken care of by that department.
Department of Works:			
Superintendent of stock - - -		91 5 –	
House for Superintendent of domain -		250 – –	Office disallowed.
	£.	341 5 –	
Printing Expenses - - - -	£.	500 – –	-- The allowance of 1,000 *l.* for expenses of printing of every description should be ample.
TOTAL - - -	£.	5,751 16 9	

— No. 12. —

NEW ZEALAND.

No. 12.
Governor Hobson to the Principal Secretary of State for the Colonies, 30 June 1842.

(No. 58.)

COPY of a DESPATCH from Governor *Hobson* to Lord *Stanley*.

Government House,
Auckland, New Zealand, 30 June 1842.

My Lord,

ENCLOSED I have the honour of submitting to your Lordship, in accordance with the printed Instructions, a Schedule of all the appointments which have taken place under this Government during the year, up to the present moment, annexed to which will be found a Schedule of the alterations which I have found it expedient to sanction during the same period in the salaries of some of the officers.

I have, &c.
(signed) *W. Hobson.*

Enclosure in No. 12.

SCHEDULE of all APPOINTMENTS to Public Offices and all ALTERATIONS made in the Salaries and Allowances of Public Officers in the Colony of *New Zealand*, during the Half-year ended 30 June 1842.

APPOINTMENTS.

Title or Description of Office.	Amount of Salary.	Out of what Fund Payable, Colonial or Military Chest.	Name of Person Appointed.	Date and Description of the Authority, (whether by Governor's or Commanding Officer's Warrant).	Date and Description of the Authority or Instructions (if any) from Her Majesty's Government in England.	Date of the Despatch to Her Majesty's Government in England Reporting the Transaction, where no previous Authority was received.	Column for Remarks upon any Particular Case, and for the Statement of any Special Circumstance.
	£.						
Surveyor-General.	600	Colonial Treasury.	Charles Wybrow Ligar.	Commission under the Seal of the Colony, dated 1 Jan. 1842.	Warrant under the Sign Manual, dated 5 Feb. 1841.	-	Full salary commenced from date of embarkation, 12 April 1841.
Chief Justice	1,000	"	William Martin	Ditto, dated 20 Jan. 1842.	Ditto, dated 5 Feb. 1841.	-	Half salary from date of embarkation, 7 April 1841; full salary, 9 Aug. 1841.
Attorney-general.	400	"	William Swainson	Ditto, dated 1 Oct. 1841.	Ditto ditto	-	Ditto ditto.
Commissioner of Claims.	1,000	"	William Spain	Ditto, dated 22 Feb. 1842.	Ditto, dated 20 Jan. 1841.	—	
Registrar of the Supreme Court.	300	"	Thomas Outhwaite	Appointed by Minute of his Excellency the Governor, dated 1 Jan. 1842.	—		
Registrar of Deeds for the County of Eden.	300	"	Robert A. Fitz-Gerald.	Ditto, dated 5 Jan. 1842.	-	-	Appointed in fulfilment of the Ordinance of Council, Session 2, No. 9, respecting registration of deeds, &c.
County Judge at Auckland.	300	"	Fred. Whitaker	Commission under the Seal of the Colony, dated 12 Mar. 1842.	-	-	In fulfilment of the provisions of the County Court Ordinance, Sess. 2, No. 2.
County Judge at Wellington.	300	"	Edmund Storr Halswell.	-	-	-	Ditto ditto.
Chief Police Magistrate at Auckland.	300	"	Felton Mathew	Appointed by Minute of his Excellency the Governor, dated 1 Jan. 1842.	—		
Police Magistrate at Nelson.	250	"	Henry Augustus Thompson.	Ditto, dated 1 Feb. 1842.	—		
Police Magistrate at New Plymouth.	250	"	Henry King, Capt. R.N.	Appointed 1 Jan. 1842. by minute of his Excellency the Governor.	—		
Sub-Protector	150	- -	Geo. Clarke, jun.	Ditto, dated 17 January 1842.	-	-	Sub-Protectors have, in addition to their salary, an allowance for the support of four natives, at 20 *l.* each per annum.
Sub-Protector	150	- -	Thos. Spencer Forsaith.	Ditto, dated 25 January 1842.	—		
Superintendent of Public Works.	180	- -	John Rowles Malcott.	Ditto, dated 1 April 1842.	—		
Colonial Treasurer.	600	- -	Alex. Shepherd	Commission under the Seal of the Colony, dated 30 June 1842.	Warrant under the Sign Manual, dated 10 May 1841.	—	

W. Hobson.

ALTERATIONS.

Title of Office or Appointment in which the Alteration has been made.	Nature and Amount of Alteration.	Name of Officer.	Date of Governor's Authority, by which the Alteration was directed or sanctioned.	Date and Description of the Authority or Instructions (if any) from England.	Date of Governor's or Commanding Officer's Despatch to Her Majesty's Government in England Reporting the Transaction.	Column for Remarks upon any Particular Case, and for the Statement of any Special Circumstances.
Colonial Chaplain -	- - 50*l.* additional salary, making the total annual salary paid by Government 200*l.*	- - John Fred. Churton.	- - Minute of the Governor, dated 24 Jan. 1842; alteration dates 1 January.	- - -	- - -	- - Increase made in fulfilment of the terms of the Ordinance, Session 2, No. 7, *sec.* 5, "Church Extension."
Police Magistrate at Wellington.	- - 50*l.* additional salary, making the total annual salary 300*l.*	Michael Murphy	- - ditto, dated 1 Jan. 1842, from which date the alteration takes effect.			
Police Magistrate at Russell.	Ditto ditto -	Thomas Beckham	ditto, same date.			
Colonial Surgeon -	- - usual pay and allowances consolidated to an annual salary of 300*l.*, with a diurnal allowance of 2*s.* 6*d.* for hospital attendant.	John Johnson -	- - ditto, dated 29 Jan. 1842; alteration takes effect from 1 January.			

W. Hobson.

— No. 13. —

No. 13.

Lord Stanley to the Officer Administering the Government, 14 March 1843.

(No. 25.)

COPY of a DESPATCH from Lord *Stanley* to the Officer Administering the Government.

Sir, Downing-street, 14 March 1843.

I HAVE received Captain Hobson's Despatch, No. 58, of the 30th of June last, enclosing a Schedule of all appointments which have taken place under your Government for the first six months of the year 1842, with a Schedule of alterations which had been made in the salaries of public officers during the same period. These returns should be transmitted quarterly instead of half yearly, as in the present case. Adverting to the admitted disappointments of the expectations which had been entertained in regard to the amount of revenue that would be available for defraying the expenses of the public establishments, I do not consider that the emergency of the case was such as to warrant the issue of increased rates of salary to any public officer; and even in the instance of the Colonial Chaplain the increase should have awaited the confirmation of the Ordinance by which it is stated to be authorized.

I must also point out the great irregularity of increasing, from the 1st of January 1842, in the cases of the magistrates at Wellington and Russell, and of the Colonial Surgeon, the salaries which had been reported in the estimate of the 2d July 1841. Her Majesty's Government cannot sanction those increases, and on the explanation which you may be enabled to offer of the circumstances under which they had been permitted to take effect, must depend the course which may ultimately be taken for the recovery of any payments that may have taken place in respect of them before notification of their disallowance can reach the Colony.

As respects the other and new magistrates' appointments, although my opinion in regard to the high rates of salary assigned for these functionaries has already been stated to you, I am not prepared to signify to you any immediate disallowance, but I must request a full explanation of the grounds and circumstances under which appointments, in addition to those inserted in the estimate of the 2d July 1841, have been thought necessary; and any decision respecting the continuance of the number of magistrates reported, or the rates of emolument assigned to them, must await the consideration of those explanations.

The office of Registrar of Deeds, with a salary of 300*l.* a year, was created under

NEW ZEALAND.

under the Local Registration Act, the decision on which has been suspended until I shall have received a statement of the establishment contemplated under that Act. The same remark applies to the County Judges at Auckland and Wellington, with reference to the County Courts Act.

I have, &c.
(signed) *Stanley.*

— No. 14. —

No. 14. Governor Hobson to the Principal Secretary of State for the Colonies, 28 June 1842.

(No. 56.)

COPY of a DESPATCH from Governor *Hobson* to Lord *Stanley.*

Government House, Auckland, New Zealand,
28 June 1842.

My Lord,

I DO myself the honour to inform your Lordship, that I have purchased for the use of the Government a printing press and material, together with the house and small piece of ground on which it stands, for the sum of 1,425 *l.* 1,425 *l.*

Your Lordship will perceive, on reference to the enclosed statements and reports, to which I beg leave to draw your attention, that from the 7th of July 1841 to the 31st March last, a period of eight months, the Government printing cost 1,298 *l.* 14 *s.*; and that the printing for the year was estimated to cost 1,948 *l.* 1 *s.*: but even at that cost more than a third of the printing required for the various departments remained unexecuted, in consequence of the supply of labour being inadequate to the demand for printing on the part of the public. 1,298 *l.* 14 *s.* 1,948 *l.* 1 *s.*

The trustees of a company which had hitherto held a contract from the Government, being anxious to dispose of the whole of their material at a price which was universally considered very reasonable, I considered that I should effect a very material saving to this treasury by closing with an offer whereby a valuable property would be obtained, and the regularity and expeditious performance of the Government printing ensured.

Under the circumstances, therefore, I confidently hope for your Lordship's sanction to the charge incurred.

I have, &c.
(signed) *W. Hobson.*

Encl. in No. 14.

Enclosure 1, in No. 14.

Sir,

Auckland, 29 March 1842.

WE beg leave to offer, for the use of Her Majesty's Government, the whole of the type and material, stock on hand, building, and ground of the Auckland Newspaper and general printing company, previous to the same being offered for public competition in the ensuing month. The premises and material, as they now stand, have cost the company 2,048 *l.* 17 *s.* 4 *d.*, which they now offer for the above purposes for the sum of 1,500 *l.*, subject to the following conditions, viz.

For Her Majesty's Government to take the six following persons off our hands on the same terms as employed by us, to complete their respective engagements:—

John Moore	7 months	- -	300 *l.* per annum.
J. Williamson	7 —	- -	42 *s.* per week.
— Richardson	7 —	- -	50 *s.* —
— Davis -	7 —	- -	35 *s.* —
Two others	6 —	- -	50 *s.* each.

And the stock on hand to be taken at a valuation, if this offer is accepted, the present value of which is about 150 *l.*

Requesting as a favour an answer before Friday morning next,

We have, &c.
(signed) *J. J. Montifiore,* *W. C. Richmond,* *J. Johnson,* } Trustees.

P. S.—We beg to enclose an inventory of material.

(signed) *J. J. M.* *W. C. R.* *J. J.* } Trustees.

To the Honourable the Colonial Secretary.

Referred to the Colonial Secretary, who is requested to report fully on the present expense of printing for the Government, and the estimated cost of printing if Government purchased a printing press; and likewise to report on the proposal made herein.
(signed) *W. Hobson.*
31 March 1842.

NEW ZEALAND.

INVENTORY of the Auckland Newspaper and Government Printing Company's Material.

Super-royal Stanhope press; 13 chases, seven rollers, six points; nonpareil quadrates, 23 cwts.; galleys; saw, hammer, and scissors; set of candlesticks; glue, treacle, paper-knife; set of frames; candle-holders and oil-can; improved cylinder inking-table; improved cylinder roller mould; 14 brass galleys, with wooden slides; three iron galleys, solid; six brass galleys, with wooden slides, quite new; iron imposing stone, with stand and drawers; seven composing sticks; six composing sticks, new; assortment of wooden galleys; assortment of chases; rule and lead cutting machine; 24 pair of cases; racks for cases; cross rules; letter-racks for jobbing type; cupboard and bulk; 15 dozen new brass rules; one pair shears; some new double rules; quoins, riglet, and furniture; splendid assortment of leads for newspaper; type, brevier and long primer for newspaper; pica for book-work; two-line small pica; long primer; 16-line, 14-line, 12-line, 10-line, seven-line, seven-line, six-line, and four-line double pica; two-line brevier condensed Italian; long primer black; brevier and nonpareil antique; five-line open; two-line English ornamented; eight-line antique; 25-line antique; 25-line condensed; 16-line ornamented; 12-line perspective; great primer antique; nonpareil outline; brevier sans open; pearl outline; two-line great primer, Italian; paragon; four-line black; great primer black; pica black. In all about 3,000 lbs. weight. An assortment of wood cuts; an assortment of beautiful borders; cask of potash; printing ink; 56 reams of double foolscap paper; 22 reams of double demy; two reams of blue demy paper; four reams of printing demy; 16 reams of blue foolscap; 22 reams of pott; two reams of note paper; half ream of coloured paper.

Encl. 2, in No. 14.

Enclosure 2, in No. 14.

1st April.

FROM the accompanying estimate it appears that an average of the actual sums paid for printing amount to 1,948 *l.*, which exceeds by 348 *l.* the sum estimated for the present year, and that this saving to be effected by the government from the establishment of a printing press will in two years repay the entire cost.

Even at the present expense, the quantity of printing performed is not at all equal to what is actually required; but few of the Bills were advertised during their passage through the Legislative Council, for general information, and many forms and circulars have been dispensed with.

We have also been much inconvenienced by not obtaining the printing at the times required. The Native Gazette for the last month is not yet in circulation, nor will the ordinances of Council be ready until next week.

Taking these circumstances into consideration, I am of opinion it would be very advisable to form a government printing establishment, and that a considerable saving would be effected thereby.

(signed) *William Shortland.*

Enclosure 3, in No. 14.

ESTIMATED COST of PRINTING for the Government of *New Zealand* for Twelve Months, ending 31st March 1843, taken from an average of the Expense for this Service for the preceding Eight Months.

Actual Expense for the last Eight Months.	£. s. d.	Estimated Expense for Twelve Months.	£. s. d.	Estimated Cost of a Printing Establishment.	£. s. d.	The Company's Proposition.	£. s. d.
From the 7th July 1841 to the 31st Mar. 1842.	1,298 14 –	Taken from an average of the last 8 months.	1,948 1 –	Purchase of a press and printing materials	1,300 – –	For press and materiel	1,500 – –
				Interest on outlay	130 – –	Stock at valuation	150 – –
				One government printer	300 – –	Services of persons employed in establishment to be transferred; viz.	
				Two compositors, at 50 *s.* each per week	260 – –		
				Two pressmen, at 42 *s.* each per week	218 8 –	Printer	175 – –
						J. Richardson	70 – –
				One messenger	70 – –	Two compositors (not named)	120 – –
				Stationery	120 – –	J. Williamson	58 16 –
				Sundry expenses, including ink, lights, &c.	50 – –	J. Davis	49 – –
£.	1,298 14 –	£.	1,948 1 –	£.	2,448 8 –	£.	2,122 16 –
					1,948 1 –		
				£.	500 7 –		

Enclosure 4, in No. 14.

GOVERNMENT PRINTING, from the 7th July to the 31st March.

	£.	s.	d.
COLONIAL SECRETARY'S DEPARTMENT:			
July	158	10	3
August	193	–	10
September	114	13	–
October	68	18	10
November	107	9	6
December	119	7	–
Ditto	20	12	11
January	32	17	1
February	29	15	2
March	55	6	–
LEGISLATIVE COUNCIL:			
December	57	14	7
January	49	17	10
February	34	10	9
March	15	10	6
STOREKEEPER:			
January	97	12	6
February	27	2	5
CUSTOMS:			
January	4	10	–
February	3	15	–
JUDICIAL:			
February	10	10	–
Advertisements	12	19	10
Mauri Gazette	14	–	–
Work on hand	70	–	–
£.	1,298	14	–

(signed) *A. J. Dombrain.*

Enclosure 5, in No. 14.

Sir, 1 April 1842.

UNDERSTANDING that the attention of the Government is now directed to the consideration of the expediency of securing the entire control of the printing establishment now in Auckland, with a view to the more efficient discharge of the public business, I have the honour to request that you will submit the following statement to his Excellency.—The forms of writs for the use of the Supreme and County Courts, were in the hands of the printers for three weeks before a proof was furnished to us. The rules for regulating the testamentary jurisdiction have been at the printing office a full month, and no proof has yet been sent in, although repeated, and I may say, daily applications have been made. We have been under the necessity of distributing fair copies in manuscript, and thereby incurring unnecessary expense.

I have, &c.

The Honourable the Colonial Secretary. (signed) *Wm. Martin.*

Enclosure 6, in No. 14.

Sir, Auckland, 2 April 1842.

HAVING examined, according to your instructions, the type and materials, building and ground occupied by the Auckland Newspaper and General Printing Company, we beg to submit to you that we consider 1,350 *l.* as the full value of the same at the present time, which sum includes the amount for stock in trade, valued at 150 *l.*

We think it right to state, that although the plot of ground is marked in the schedule as having 60 feet frontage in High-street, and 60 feet depth in Chancery-lane, we found the enclosure to contain 60 feet 9 inches frontage, and 71 feet depth on those two lines.

We beg also to observe that the roof of the building is defective, and would require reparation.

We have, &c.

(signed) *J. B. OMeally*, for the Surveyor-General.
W. S. Graham, Merchant.
J. R. Mallcott, Superintendent of Public Works.

The Hon. the Colonial Secretary;
&c. &c. &c.

Enclosure 7, in No. 14.

Sir, Auckland, 12 April 1842.

IN reply to your letter of the 6th instant, we beg leave to inform you that we accept the offer made by his Excellency the Governor for the purchase of our printing establishment and the services of our men, for the sum of 1,425 *l.*, and we shall feel obliged by your issuing the proper warrants to the colonial treasurer for the payment of the amount.

We have, &c.

(signed) *J. T. Montifiore*, *W. Richmond*, *John Johnson*, } Trustees of the Auckland Newspaper and General Printing Company.

The Hon. the Colonial Secretary.

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Encl. 8, in No. 14.

Enclosure 8, in No. 14.

COLONIAL STORE.

Auckland, 22 April 1842.

RECEIVED into my charge, on account of Her Majesty's Government, from the trustees of the Auckland Printing Company the under mentioned:

One super-royal Stanhope press, 13 chases, 7 rollers, 6 points, nonpareil quadrates, 23 cwts.; 18 candlesticks, 20 lbs. of glue, 1 paper-knife, 6 frames, 1 candle-holder, 1 oil-can, 1 imperial cylinder inking table, 1 imperial cylinder roller mould; 14 brass galleys, with wood slides; 3 iron galleys, solid; 6 brass galleys, new; 1 iron imposing stone, with stand and drawer; 7 composing sticks, worn; 6 composing sticks, new; an assortment of wooden galleys, 6 iron chases, 1 rule and lead cutting machine, 24 pairs of cases, 1 rack for cases, a quantity of cross rules, 2 letter racks for jobbing types, 1 cupboard and bulk, 15 dozen rules, a quantity of double rules, quoins, reglet and furniture, an assortment of leads for newspaper; type, brevier and long primer, pica, 2-line small pica, 16-line, 14-line, 12-line, 18-line, 7-line, 7-line, 6-line, and 4-line double pica; 2-line brevier condensed Italian, long primer black, brevier and nonpareil antique, 5-line open, 2-line English ornamented, 8-line antique, 25-line antique condensed, 16-line ornamented, 12-line perspective, great primer antique, nonpareil outline, brevier sans open, pearl outline, 2-line great primer Italian, paragon, 4-line black, great primer black, pica black, an assortment of wood-cuts and borders, 1 cask potash, 36 lbs. printing ink, 43 reams double foolscap paper, 13 reams demy, 2 reams blue demy, 10 reams foolscap, 18 ½ reams pott, 2 reams note, ½ ream coloured, 1 saw, 1 hammer, 1 pair scissors. *Weight of types, 3,000 lbs.*

(signed) *Henry Tucker,*
Colonial Storekeeper.

Articles found after making above List:

300 lbs. of types, 120 packs of cards, 60 ornamented cards, 8 × 10, 1 book-binding press, 1 grindstone, 8 chairs, 2 tables, 2 buckets, 1 leaden trough.

29 April 1842. (signed) *Henry Tucker.*

Encl. 9, in No. 14.

Enclosure 9, in No. 14.

A LIST of ARTICLES in Printing Office recommended by the Government Printer to be disposed of, not being required.

ARTICLES.	VALUE. £. s. d.	ARTICLES.	VALUE. £. s. d.
3 rollers	1 16 –	nonpareil antique, 5-line open, 2-line English ornamental, 8-line antique, 25-line antique, 25-line condensed, 16-line condensed, 12-line perspective, great primer antique, nonpareil outline, brevier sans open, pearl outline	265 18 –
Nonpareil quadrates, 23 cwts.	3 2 –		
9 candlesticks	– 9 –		
2 frames	3 – –		
14 brass galleys with wooden slides	7 10 –		
7 composing sticks	3 3 –		
6 iron chases	1 16 –		
A quantity of cross rules	2 – –	2-line great primer italian, paragon, 4-line black, all the wood-cuts and borders	4 15 –
2 letter racks for jobbing types	– 6 –	Types, 2,559lbs.	
All the newspaper leads	3 10 –	£.	297 5 –
Brevier, 2-line small pica, 16-line, 14, 12, 10, 7, 7, 6, and 4-line double pica, 2-line brevier condensed Italian, brevier and			

(signed) *Henry Tucker.*

Auckland, 25 April 1842. (signed) *John Moore.*

Reference - - - £.265. 18.

Types valued as under:	£. s. d.
1,100 lbs. at 2*s.* 6*d.* per lb.	137 10 –
700 lbs. at 1*s.* 6*d.* per lb.	52 10 –
759 lbs. at 2*s.* per lb.	75 18 –
£.	265 18 –

NEW ZEALAND.

No. 15.
Lord Stanley to Governor Hobson.
14 March 1843.

— No. 15. —

(No. 26.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hobson*.

Sir, Downing-street, 14 March 1843.

I HAVE received Captain Hobson's despatch of the 28th of June last, No. 56, reporting the circumstances which had induced him to purchase from the Auckland Printing Company, for the use of the Government of New Zealand, a printing-press and materials, together with the house and the ground on which it stands, for the sum of one thousand four hundred and twenty-five pounds. £. 1,425.

Adverting to the considerations which have been urged, Her Majesty's Government are unwilling to direct the disallowance of the charge incurred in accepting the tender of the company; but, at the same time, they expect that the instructions which have been already conveyed to you in regard to the finances of the colony will prevent you from incurring in future unauthorized expenditure.

I have, &c.

(signed) *Stanley*.

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OF ANY

CORRESPONDENCE

RELATIVE TO THE

NEW ZEALAND ESTIMATES.

(Mr. G. W. Hope.)

Ordered, by The House of Commons, *to be Printed,*
24 *March* 1843.

[*Price* 8 *d.*]

Under 12 *oz.*

COPIES

OF THE

LAWS AND ORDINANCES

PASSED BY

THE GOVERNOR AND COUNCIL

OF THE

COLONY OF NEW ZEALAND.

---

4 & 5 Victoria, 1841.

(PRESENTED TO PARLIAMENT PURSUANT TO ACT 3 & 4 VICT. c. 62, s. 3.)

Ordered, by The House of Commons, *to be Printed,*
28 *February* 1842.

[***Price 8d.***]

61.

Under 12 *oz.*

SCHEDULE.

No. 1.—An Ordinance to declare that the Laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's colony of New Zealand, from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof, for certain acts done and performed between the date of the said Royal Charter and Letters Patent, and the day of passing this Ordinance - - - - - - - - - - - - - - p. 3

No. 2.—An Ordinance to repeal within the said colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land in New Zealand;" and also to terminate any Commission issued under the same, and to authorize the Governor of the colony of New Zealand to appoint Commissioners, with certain Powers, to examine and report on Claims to Grants of Land therein, and to declare all other Titles, except those allowed by the Crown, null and void - - - - - - - - - - p. 5

No. 3.—An Ordinance to repeal within the said colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled, "An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the General Regulation thereof;" and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty, Queen Victoria, intituled, "An Act for increasing the Duties on Spirits, Wine, and other Goods and Merchandize, imported into the colony of New South Wales and its Dependencies," and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force, within the said colony of New Zealand and its Dependencies; and to make provision for the Collection of certain Duties on Goods imported into, and for the general regulation of the Revenue of Customs in the colony of New Zealand and its Dependencies - p. 11

No. 4.—An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective Powers, and determining the Places at which the same shall be holden; and for repealing within the colony of New Zealand, certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said colony of New Zealand - - - - - - - - - - - p. 34

No. 5.—An Ordinance for prohibiting the Distillation of Spirits within the colony of New Zealand - - - - - - - - - - - - - - p. 49

No. 6.—An Ordinance for instituting Courts of Civil Jurisdiction, to be called "Courts of Requests," in different parts of the colony of New Zealand and its Dependencies - - - - - - - - - - - - - - - p. 51

NEW ZEALAND.

— No. 1. —

ANNO QUARTO VICTORIÆ REGINÆ.

BY his Excellency *William Hobson*, Esq. Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of *New Zealand*, with the advice and consent of the Legislative Council thereof.

"AN ORDINANCE to declare that the Laws of New South Wales, so far as they can be made applicable, shall extend to and be in force in Her Majesty's Colony of New Zealand, from and subsequent to the Date of Her Majesty's Royal Charter and Letters Patent erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof for certain Acts done and performed between the Date of the said Royal Charter and Letters Patent and the Day of passing this Ordinance." Title.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, intituled, "An Act to declare that the Laws of New South Wales extend to Her Majesty's dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the administration of Justice therein, and to indemnify certain Officers for Acts already done;" after reciting that Her Majesty had been pleased to annex Her Majesty's dominions of New Zealand to the government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales which then were, or thereafter might be, in force within the said colony, should extend to and be applied in the administration of justice within Her Majesty's dominions in the said islands of New Zealand, so far as they could be applied therein: And whereas under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's reign, intituled, "An Act to continue until the 31st day of December 1841, and to the end of the then next ensuing Session of Parliament, the provisions of any Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relative thereto," Her Majesty did by her Royal charter and letters patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 16th day of November 1840, erect into a separate colony the islands of New Zealand, theretofore comprised within, or dependencies of the colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned; and did further provide that from thenceforth the said islands should be known and designated as the colony of New Zealand: And whereas by Her said Royal charter and letters patent Her Majesty did constitute a Legislative Council for the said colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace, order, and good government of the said colony: And whereas it is expedient, until such Laws and Ordinances can be well considered and ordained, that all such Laws, Acts, or Ordinances of New South Wales as are applicable to the colony of New Zealand should continue to be acted upon and be applied therein. Preamble. 3 Victoria, No. 28. 4 Victoria, cap.

And in order to remove any doubt which may exist whether the said Laws, Acts, or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said colony of New Zealand from and subsequent to the date and proclamation of such Her Majesty's said Royal charter and letters patent;

So much of all laws of New South Wales as have already been, and can be applied to the colony of New Zealand, adopted.

I. Be it therefore enacted and ordained, by his Excellency the Governor in and over the colony of New Zealand, with the advice of the Legislative Council thereof, that so much of all and every of the Laws, Acts, or Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been and can hereafter during the continuance of this Ordinance be applied within the said colony of New Zealand, shall be and the same are hereby adopted, and declared and directed to be extended to and applied in the administration of justice in the said colony of New Zealand, in the like manner as all other the laws of England, and as if the same had been repealed and re-enacted in this Ordinance.

Further preamble.

II. And whereas doubts may arise as to the validity of acts done and performed in the said colony of New Zealand since the date of Her said Majesty's Royal charter and letters patent by his Excellency, as the Lieutenant-governor of the same, and by justices of the peace, officers of customs, constables, and other officers under and by virtue of the said partly recited Act of the Governor and Legislative Council of New South Wales; for the removal whereof,

Indemnity for acts done since 16th November 1840.

Be it therefore further enacted, that the said Lieutenant-governor of the colony of New Zealand, and all justices of the peace, officers of customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of Her Majesty, or of the Governor of New South Wales, or of the said Lieutenant-governor of the said colony of New Zealand, or under any orders and directions of the same Lieutenant-governor, or of his Excellency the Governor since his assuming the government of the said colony of New Zealand, previous and up to the passing of this Ordinance, shall be, and they, and each and every one of them, are hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they or any one of them may have heretofore, or may now otherwise be liable for any act so done or performed.

Such acts declared valid.

III. And be it further enacted, that no act done or performed by any such officer or other person aforesaid shall be questioned or avoided in any court of law by reason of any supposed want of power and authority; and that all such acts so done and performed shall be, and they are declared to be, as valid and effectual in law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within, and under, or by virtue of any law or statute of the Parliament of Great Britain and Ireland.

Interpretation clause.

IV. And be it further enacted and ordained, that in all or any of the said Acts of the Governor and Legislative Council of New South Wales, which shall under and by virtue of this Ordinance be brought into operation, and extended to, and applied in the said colony of New Zealand, whenever the words "Governor, with the advice of the Executive Council," "Governor," "Justice or Justices of the Peace," or "Government Gazette of New South Wales," are used in such Act or Acts, the same words shall be construed to mean and shall include and extend to "The Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," and "all or any Justice or Justices of the Peace," and to the "Government Gazette of the said colony of New Zealand;" and that all words and expressions referring or having relation to New South Wales, shall be, and the same are hereby directed to be, applied and construed to extend to the said colony of New Zealand.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, this 3d day of June, in the year of our Lord 1841.

J. Coates, Clerk of Council.

— No. 2. —

ANNO QUARTO VICTORIÆ REGINÆ.

BY his Excellency *William Hobson*, Esq. Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of *New Zealand*, with the advice and consent of the Legislative Council thereof.

"AN ORDINANCE to repeal, within the said Colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand,' and also to terminate any Commission issued under the same, and to authorize the Governor of the Colony of New Zealand to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land therein, and to declare all other Titles, except those allowed by the Crown, null and void." Title.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales and its dependencies, made and passed in the fourth year of the reign of Her present Majesty, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand;" after reciting, that in various parts of the islands of New Zealand, comprehended within the limits of the territory and government of New South Wales, tracts or portions of land were claimed to be held by various individuals, by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, either mediately or immediately from the chiefs or other individuals of the aboriginal tribes inhabiting the same; and reciting, that no such individual or individuals could acquire a legal title to, or permanent interest in, any such tracts or portions of land, by virtue of any gift, purchase, or conveyance by or from the chiefs or other individuals of such aboriginal tribes as aforesaid; and also reciting, that Her Majesty had, by instructions under the hand of one of Her Majesty's Principal Secretaries of State, dated the 14th day of August 1839, declared Her Royal will and pleasure not to recognize any titles to land in New Zealand which did not proceed from, or were not, or should not be allowed by Her Majesty; and after stating that it was expedient and proper to put beyond doubt the invalidity of all titles to land within the said islands of New Zealand, founded upon such purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, from the same uncivilized tribes, or aboriginal inhabitants of New Zealand; it was, therefore, in and by the said now reciting Act declared and enacted, that all titles to land in New Zealand which were not, or might not thereafter be allowed by Her Majesty, were and should be absolutely null and void: And the said now reciting Act then authorizes and empowers the said Governor of New South Wales to issue one or more commission or commissions, and thereby to appoint Commissioners, who should have full power and authority to hear, examine, and report on all claims to grants of land in New Zealand, with certain other powers and provisions in the said Act contained: And whereas the said Governor of New South Wales, under and by virtue of the said Act, did issue his commission, bearing date, under the seal of the said colony of New South Wales, the 30th day of September, in the year of our Lord 1840, thereby appointing certain Commissioners with power to hear, examine, and report on all claims to grants of land in New Zealand: and the said Commissioners appointed therein did proceed to hear and examine certain of such claims, but have not as yet reported thereon; and other of the like claims have been lately referred to the said Preamble.

Governor of New South Wales: And whereas, since the appointment of the said Commissioners, the islands of New Zealand have been separated from the Government of New South Wales, and erected into a colony by Her Majesty's Royal charter, and it is therefore expedient and necessary that the said Act of the Governor and Legislative Council of New South Wales and its dependencies should be repealed, and the said commission so issued by the said Governor thereof determined: And whereas it is expedient and proper that a local Ordinance for the same general purposes intended to be provided for by the said in part recited Act of the Governor and Council of New South Wales, together with such other enactments applicable to the altered circumstances of the colony of New Zealand, should be enacted by the Governor and Legislative Council of the same;

The New South Wales Act, 4 Victoria, No. 7, repealed.

I. Be it therefore enacted and ordained, by his Excellency the Governor in and over the said colony of New Zealand, with the advice and consent of the Legislative Council of the same colony, that from and immediately after the passing of this Ordinance, the said Act of the Governor and Council of New South Wales so adopted as aforesaid, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand," be, and the same is hereby repealed and of no effect within the said colony of New Zealand: And the said commission so issued by the said Governor of New South Wales, under and by virtue of the powers for that purpose contained in the said Act, is hereby determined and declared to be null and void, anything in the said Act to the contrary thereof notwithstanding.

Commission determined.

All titles to land in New Zealand absolutely null and void, except allowed by Her Majesty.

II. And whereas it is expedient to remove certain doubts which have arisen in respect of titles of land in New Zealand, be it therefore declared, enacted, and ordained, that all unappropriated lands within the said colony of New Zealand, subject however to the rightful and necessary occupation and use thereof by the aboriginal inhabitants of the said colony, are and remain Crown or domain lands of Her Majesty, Her heirs and successors, and that the sole and absolute right of pre-emption from the said aboriginal inhabitants vests in and can only be exercised by Her said Majesty, Her heirs and successors; and that all titles to land in the said colony of New Zealand, which are held or claimed by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, leases or pretended leases, agreements, or other titles, either mediately or immediately from the chiefs, or other individuals or individual of the aboriginal tribes inhabiting the said colony, and which are not, or may not hereafter be allowed by Her Majesty, Her heirs and successors, are and the same shall be absolutely null and void.

Not to affect land purchased of, or held under Her Majesty.

Provided, and it is hereby declared, that nothing in this Ordinance contained is intended to, or shall affect the title to any land in New Zealand already purchased from Her Majesty's Government, or which is now held under Her Majesty.

Governor may appoint Commissioners to hear, examine, and report on claims to grants of land in New Zealand.

III. And whereas Her Majesty hath, in the said instructions, been pleased to declare Her Majesty's gracious intention to recognize claims to land which may have been obtained on equitable terms from the said chiefs or aboriginal inhabitants or inhabitant of the said colony of New Zealand, and which may not be prejudicial to the present or prospective interests of such of Her Majesty's subjects who have already resorted, or who may hereafter resort to, and settle in, the said colony: And whereas it is expedient and necessary that in all cases wherein lands are claimed to be held by virtue of any purchase, conveyance, lease, agreement, or any other title whatsoever, from the said chiefs or tribes, or any aboriginal inhabitants or inhabitant whomsoever, of the said colony of New Zealand, an inquiry be instituted into the mode in which such claims to lands have been acquired, the circumstances under which such claims may be, and are, founded, and also to ascertain the extent and situation of the same;

Be it therefore enacted and ordained, that it shall and may be lawful for the Governor of the said colony of New Zealand, and he is hereby authorized and empowered to issue one or more commission or commissions, and thereby to appoint Commissioners, who shall have full power and authority under the same

same to hear, examine, and report on all claims to grants of land in virtue of any of the titles aforesaid in the said colony of New Zealand; and each of such Commissioners shall, before proceeding to act as such, take and subscribe before a Judge of the Supreme Court of New Zealand, or before such person as the Governor or Chief Justice for the time being shall, in writing, appoint for that purpose, the oath set forth in the Schedule to this Act annexed, marked (A.); which oath shall be recorded in the office of the Colonial Secretary of the said colony.

All claims to grants of land in New Zealand already made to and directed by the Governor of New South Wales, to be referred to the Commissioners directed to be referred under this Act

IV. And be it further enacted and ordained, that the claims of all persons who may have already made application to the Governor of New South Wales to have grants of land within the said colony of New Zealand, and whose claims have by the said Governor been referred, or directed to be referred, to the said Commissioners so appointed by the said Governor of New South Wales, shall be, and the same are hereby referred to the Commissioners to be appointed under and by virtue of this Ordinance, to the end that all such claims may be heard, examined, and reported on for the information and guidance of the said Governor of New Zealand; and the said Commissioners, or any two of them, shall proceed to hear, examine, and report on such claims in manner hereinafter mentioned: provided always, that in each and every claim already heard and examined, or partly heard and examined, it shall and may be lawful for the said Commissioners, and they are hereby authorized to receive and act upon the evidence, statements, and documents, or other information taken and recorded by the Commissioners appointed under the said repealed Act of the Governor and Council of New South Wales aforesaid, and shall and may report thereon as if the same had been heard and examined, and the said evidence, statements, documents, and other information had been taken and recorded under and by virtue of the provisions of this Ordinance.

And whereas, in and by the said Act of the said Governor and Council of New South Wales, it is provided, that all claims which should not be preferred in writing to the colonial secretary of New South Wales within six months after the passing of that Act should be absolutely null and void, unless it should be made to appear, to the satisfaction of the said Governor, that any claimant or claimants should not, by reason of absence, or other sufficient cause, have been able to prefer his or their claims within the said term of six months, in which case it should be lawful for the said Governor, at any time within a further term of six months, to refer such claim or claims to the said Commissioners, who should have power and authority to receive and report upon the same as in other cases: And whereas the first term of six months so fixed has expired, and it is expedient and proper that the said term under which his Excellency the Governor is empowered to receive and refer further claims shall be extended under this Ordinance;

Governor of New Zealand may receive and refer claims under this Ordinance to Commissioners.

V. Be it therefore enacted and ordained, that it shall and may be lawful for the Governor of New Zealand, if at any time within 12 months next after the passing of this Ordinance it shall be made to appear, to the satisfaction of the said Governor, that any claimant or claimants shall not, by reason of absence from the colony, or other sufficient reason, have been able to prefer his or their claims within the said term so fixed by the said in part recited Act of the Governor and Council of New South Wales, it shall be lawful for the said Governor at any time, within a further term of 12 months from and after the passing of this Ordinance, to refer such claim or claims to the said Commissioners, who shall have power and authority to receive and report upon the same as in other cases: provided always, that nothing herein contained shall authorize the said Commissioners to receive or report upon claims, except such as shall be referred to them under and by virtue of the provisions of this Ordinance.

Commissioners to be guided by the real justice and good conscience of the case.

VI. And be it enacted and ordained, that in hearing and examining all claims to grants as aforesaid, and reporting on the same, the said Commissioners shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not; and that the said Commissioners shall, in every case, inquire into and set forth, so far as it

shall be possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid for the lands claimed, to any of the said chiefs or tribes, or any aboriginal inhabitants or inhabitant of the said colony of New Zealand, as well as the time and manner of the payment, and the circumstances under which such payment was made, without taking into consideration the price or valuable consideration which may have been given for the said lands by any subsequent purchaser or to any other person or persons, save such chiefs or tribes, or aboriginal inhabitants or inhabitant as aforesaid; and shall also inquire into and set forth the number of acres which such payment would have been equivalent to, or according to the rates fixed in a Schedule, marked (B), annexed to this Ordinance: And if the said Commissioners, or any two of them, shall be satisfied that the person or persons claiming such lands, or any part thereof, is or are entitled, according to the declaration of Her Gracious Majesty as aforesaid, to hold the said lands or any part thereof, and to have a grant or lease thereof made and delivered to such person or persons under the great seal of the said colony, they the said Commissioners shall report the same, and the grounds thereof, to the said Governor accordingly, and shall state whether the claim or claims reported on is or are original or derivative, with the name or names of the party or parties to whom the grant or lease should issue, and shall set forth the situation, measurement, and boundaries by which the said lands, or portions of land, shall and may be described in every such grant or lease, so far as it shall be possible to, and they conveniently can, ascertain the same; provided, however, that no grant of land shall be recommended by the said Commissioners which shall exceed in extent 2,560 acres, unless specially authorized thereto by the Governor, with the advice of the Executive Council, or which shall comprehend any headland, promontory, bay, or island, that may hereafter be required for any purpose of defence, or for the site of any town or village reserve, or for any other purpose of public utility, nor of any land situate on the sea shore, within 100 feet of high-water mark; provided also, that nothing herein contained shall be held to oblige the said Governor to make and deliver any such grants as aforesaid, unless his Excellency shall deem it proper so to do.

Certain lands not to be recommended by Commissioners for grants.

VII. Provided nevertheless, and be it enacted and ordained, that the said Commissioners shall not propose to grant to any claimant whatsoever any land which may, in the opinion of the majority of the said Commissioners, or of the majority of the Commissioners appointed to investigate the demand of such claimant, be required for the site of any town or village, or for the purposes of defence, or for any other purpose of public utility; nor shall they propose to grant to any individual any land of a similar character, which they may be directed to reserve by the Governor of New Zealand; but that in every case in which land of such description would otherwise form a portion of the land which the Commissioners would propose to grant to the claimant, they shall, in lieu of such land, propose to grant to him, or her, a compensation in such quantity of other land as they the said Commissioners, or the majority of them, shall deem an equivalent for every acre, or part of an acre, so required to be reserved either for the site of village or township, or for the purpose of defence, or for any other purpose of public utility, as aforesaid.

Commissioners' meetings.

VIII. And be it enacted and ordained, that the meetings of the said Commissioners shall be holden in such manner and at such place or places as the said Governor shall from time to time appoint, and the said Commissioners shall proceed with all due dispatch to investigate and report upon the claims referred to them.

Powers of Commissioners.

IX. And be it enacted and ordained, that it shall and may be lawful for the said Commissioners, upon receiving any such claim as aforesaid, to notify in the New Zealand Government Gazette, or in any gazette or newspaper published in New Zealand, the day appointed for inquiring into such claim, and that such notification shall be a sufficient warning and summons to any claimant or opponent under this Ordinance: provided that the said Commissioners, or any one of them, are and is hereby authorized to issue summonses requiring all such persons as shall therein be named to appear before the said Commissioners, at the day, time, and place therein appointed, to give evidence as to all matters and things known to any such person respecting such claim, and

and to produce in evidence all deeds, instruments, or writings, in the possession or control of any such persons which they might by law be required and compelled to give evidence of, or to produce in evidence in any cause respecting the like matters depending in any of Her Majesty's courts of law, in so far as the evidence of such persons, and the production of such deeds, instruments, and writings, shall be requisite for the due investigation of such claim depending before the said Commissioners, and that all such evidence shall be taken down in writing, in presence of, and be signed by, the witnesses respectively giving the same; but in case any witness shall refuse, or shall be unable to sign, the said evidence shall be attested as having been taken and read over by one or more of the said Commissioners, and that all such evidence shall be given on oath, which oath it shall and may be lawful for the said Commissioners, or any one of them, to administer to every person appearing before them to give evidence; and that any person taking a false oath, in any case wherein an oath is required to be taken by this Ordinance, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties as by any law now in force any person convicted of wilful and corrupt perjury is subject and liable to: provided always, that in all cases in which it may be necessary to take the evidence of any aboriginal native who shall not be competent to take an oath, it shall be lawful for the said Commissioners to receive in evidence the statement of such aboriginal native, subject to such credit as it may be entitled to from corroborating or other circumstances.

X. And be it enacted and ordained, that whenever any person, who, being duly summoned to give evidence before the said Commissioner as aforesaid, his or her reasonable expenses having been paid or tendered by the party requiring such witnesses, and not having any lawful reason or impediment, allowed by the said Commissioners, shall fail to appear at the time and place specified in such summons, or after appearing, shall refuse to be sworn, or to answer any lawful question, or to produce any deed, instrument, or writing which he or she may lawfully be required to produce, or without leave obtained from the said Commissioners, shall wilfully withdraw from further examination, without a satisfactory excuse being given to the said Commissioners for such default, or appearing, shall refuse or decline to be examined, or give evidence according to law, touching the matter in question, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to issue their warrant for the apprehension of such person, in order that he may be brought before them to give evidence touching such matter as shall be in question, for which he shall have been summoned as aforesaid; and it shall be further lawful for the said Commissioners, if such person shall not show sufficient cause, to the satisfaction of such Commissioners, for such default to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding 21 days, or in lieu of such imprisonment, to pay such fine not exceeding 100 *l.* as the said Commissioners shall impose, which fine shall be paid to the colonial treasurer of New Zealand, and appropriated to the public uses of the Government thereof.

Persons summoned not appearing, or refusing to give evidence, may be apprehended under warrant of Commissioners, and punished by fine or imprisonment.

XI. And be it enacted and ordained, that the said Commissioners shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct, by warrant under his hand, to be paid from and out of the revenues of New Zealand; and the same shall be the whole remuneration of the said Commissioners for and in respect of their said office.

Salaries to be paid to Commissioners.

XII. And be it enacted and ordained, that there shall be paid to the said Commissioners, by every person making a claim to a grant of land, which shall be referred by the Governor to the said Commissioners for examination, as hereinbefore is provided, the several fees specified in the annexed Schedule to this Ordinance, marked (C.); and the said Commissioners shall duly account for all fees so paid to them or him as aforesaid, and shall pay the same into the hands of the colonial treasurer of New Zealand monthly, or as nearly so as practicable, to be appropriated to the public uses of the Government thereof.

Fees to be taken by Commissioners on account of the Government.

 XIII. Provided

Saving the right and prerogative.

XIII. Provided always, and be it declared and ordained, that nothing in this Ordinance contained shall be deemed in any way to affect any right or prerogative of Her Majesty, Her heirs or successors.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, the 9th day of June, in the year of our Lord 1841.

J. Coates, Clerk of Council.

SCHEDULES REFERRED TO.

(A.)

Commissioners' Oath.

I, do solemnly swear, that I will faithfully, diligently, impartially, and honestly, to the best of my ability, execute the several powers and trusts reposed in me as a Commissioner appointed under and by virtue of a certain Ordinance of the Governor of New Zealand, with the advice of the Legislative Council of the said colony, made and passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled, "An Ordinance to repeal, within the said Colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand; and also to terminate any Commission issued under the same; and to authorize the Governor of the Colony of New Zealand to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land therein; and to declare all other Titles, except those allowed by the Crown, null and void;'" and that I will not myself, directly or indirectly, take or receive any fee or reward for anything done or performed under and by virtue of the provisions of the said Ordinance, other than and except such as is authorized by the said Ordinance.

So help me God.

(signed) *A. B.*

Sworn before me this day of 184

Judge of the Supreme Court of New Zealand, or Commissioner appointed for this purpose.

(B.)

Time when the Purchase was made.	Per Acre.					
	s.	*d.*		*s.*	*d.*
From 1 January 1815 to 31 December 1824	–	6	to	–	–
— 1825 - - - 1829	–	6	—	–	8
— 1830 - - - 1834	–	8	—	1	–
— 1835 - - - 1836	1	–	—	2	–
— 1837 - - - 1838	2	–	—	4	–
— 1839 - - - 1839	4	–	—	8	–

And 50 per cent. above these rates for persons not personally resident in New Zealand, or not having a resident agent on the spot.

Goods, when given to the natives in barter for land, to be estimated at three times their selling price in Sydney at the time.

(C.)

Fees to be received by the said Commissioners.

	£.	s.	d.
For filing any memorial with the colonial secretary, or opposition thereto -	5	–	–
For every summons for witnesses, each summons containing two names, by the party requiring the same - - - - - - - - - -	–	5	–
For every witness examined, or document or voucher produced in evidence, by the party on whose behalf examined or produced - - - - -	–	5	–
For taking down the examination of any witness - - - - - -	–	5	–
For every 100 words after the first 100, additional - - - - -	–	2	6
For every certificate granted by Commissioners of default, refusal to answer, or wilful withdrawing of any witness - - - - - - - -	1	–	–
For any final report, to be paid by the party or parties in whose favour made, when the extent of the land recommended be not exceeding 500 acres	5	–	–
For every additional 100 acres - - - - - - - - - - -	–	10	–

— No. 3. —

ANNO QUARTO VICTORIÆ REGINÆ.

BY his Excellency *William Hobson*, Esq. Captain in Her Majesty's Royal Navy, Governor, Commander-in-Chief in and over Her Majesty's Colony of *New Zealand*, with the advice and consent of the Legislative Council thereof.

'AN ORDINANCE to repeal, within the said Colony of New Zealand, an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled, 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;' and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled, 'An Act for increasing the Duties on Spirits, Wine, and other Goods and Merchandise, imported into the Colony of New South Wales and its Dependencies,' and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said Colony of New Zealand and its Dependencies; and to make provision for the collection of certain Duties on Goods imported into, and for the general regulation of the Revenue of Customs in the Colony of New Zealand and its Dependencies." Title.

WHEREAS Her Majesty Queen Victoria by her Royal charter and letters patent has been pleased to erect the islands of New Zealand into a separate and independent colony, and it is necessary to provide for the collection of certain duties on goods imported therein, and for the general regulation of the revenue of customs and trade thereof: And whereas by a certain Act of Parliament passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act to regulate the Trade of the British Possessions abroad," it was amongst other things enacted, that it should be lawful for his Majesty, by and with the advice of his Privy Council, by any Order or Orders, to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possession within the limits of the East India Company's charter (excepting the possessions of the said Company), as to his Majesty in Council should appear most expedient and salutary; and that if any goods should be imported or exported in any manner contrary thereto, the same should be forfeited, together with the ship importing or exporting the same: And whereas no such Order of his late Majesty, or of Her present Majesty Queen Victoria in Council, has been received in this colony, and it is expedient to make provisions for the collection of duties on goods imported, and for regulating the customs and trade within the said colony; Preamble. 3 & 4 Will. 4, c.

I. Be it therefore enacted and ordained, by the Governor of New Zealand, with the advice and consent of the Legislative Council of the same, that from

and after the first day of July next, the said recited Acts of the Governor and Council of New South Wales shall be, and the same are hereby repealed, so far as the same apply to, and are in force within the colony of New Zealand, and no further or otherwise; and that this Ordinance shall come into, and be and continue in full force and operation for levying certain duties on goods imported into, and for regulating the customs and trade within the said colony of New Zealand and its dependencies.

Persons employed by Customs deemed officers for such service.

II. And be it enacted and ordained, that every person employed on any duty or service relating to the Customs within the said colony and its dependencies, by the orders, or with the concurrence of the Governor of the said colony, or of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed), shall be deemed to be the officer of the Customs for that duty or service, and that every act, matter, or thing required by any law at any time in force to be done or performed by, to, or with any particular officer nominated in such law for such purpose being done or performed by, to, or with any person appointed by the Governor of the said colony, or the Commissioners of Her Majesty's Customs, to act for or in behalf of such particular officer, the same shall be deemed to be done or performed by, to, or with such particular officer.

Officers taking any fee or reward not allowed shall be dismissed.

III. And be it enacted and ordained, that if any officer, clerk, or other person acting in any office or employment in or belonging to the Customs in the said colony, shall take or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any other sort or description whatsoever, directly or indirectly, from any person not being a person duly appointed to some office in the Customs, on account of anything done, or to be done by him, or in any way relating to his said office or employment, except such as he shall receive under any order or permission of the Governor of the said colony, the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, every such officer so offending, on proof thereof to the Governor of the said colony, or to the Commissioners of Her Majesty's Customs, shall be dismissed from his office; and if any person not being a person duly appointed to some office in the Customs shall give, offer, or promise to give any such fee, perquisite, gratuity, or reward, such person shall for every such offence forfeit the sum of 100 *l.*

Officers making conclusive seizures to forfeit 500 *l.*

IV. And be it enacted and ordained, that if any officer of the Customs, or other person duly authorized to act as such, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel, boat, or goods liable to forfeiture, or take any bribe, gratuity, recompense, or reward, for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of 500 *l.*

Persons offering a bribe to forfeit 200 *l.*

V. And be it enacted and ordained, that every person who shall give or offer, or promise to give any bribe, recompense, or reward, or shall make any collusive agreement with any such officer as aforesaid, to induce him in any way to neglect his duty, or to do, or conceal, or connive at any act whereby any of the provisions of any Act of the Imperial Parliament, or any law, rule, order, or regulation in force within the said colony may be evaded, every such person shall, whether the offer be accepted or performed or not, forfeit the sum of 200 *l.*

Hours of attendance.

VI. And be it enacted and ordained, that it shall be lawful for the collector or other principal officer of the Customs, with the sanction of the Governor of the said colony, from time to time to appoint the hours of general attendance of the respective officers and other persons under their survey at their proper offices and places of employment.

Officers of Customs not liable to serve in parochial or other local offices.

VII. And be it enacted and ordained, that no officer of Customs nor person employed in the collection or management of or accounting for the revenue of Customs, or any part thereof, nor any clerk or other person acting under them, shall during the time of his acting as such officer, or of his being so employed as aforesaid, or of his acting as such clerk or other person as aforesaid, as the case may be, be compelled to serve in any other public office or employment, or to serve on any jury or inquest, or in the militia, any law, usage, or custom to the contrary thereof notwithstanding.

VIII. And

Holidays.

VIII. And be it enacted and ordained, that no day shall be kept as a public holiday by the Customs, except Christmas-day and Good Friday in every year, and any days appointed by the Governor's proclamation for the purpose of a general fast or of a general thanksgiving, and also such days as shall be appointed for the celebration of the birth-days of Her Majesty and of Her successors.

Collector, &c. authorized to administer oaths and affirmations.

IX. And be it enacted and ordained, that in all cases wherein proof on oath or affirmation shall be required by any law, or shall be necessary in any matter relating to the Customs, the same may be made before the collector or other principal officer where such proof or affirmation shall be required to be made, or before the persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

Collector, &c. may examine on oath.

X. And be it enacted and ordained, that upon examinations and inquiries made by the collector, or other principal officer of Customs, or other persons appointed by the Commissioners of Customs to make such examinations and inquiries for ascertaining the truth of facts relative to the Customs, or the conduct of officers or persons employed therein, any person examined before them or him as a witness shall deliver testimony on oath, to be administered by such collector or other principal officer, or such other person as shall examine him, and who are hereby authorized to administer such oath; and if such person shall be convicted of making a false oath touching any of the facts so testified on oath, or of giving false evidence on his examination on oath before such collector or other principal officer of Customs, or such other person, in conformity to the directions of this Ordinance, every such person, so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

General provision.

XI. And whereas it is expedient that the officers of Customs should have full cognizance of all ships coming into any port in the said colony or approaching the coasts thereof, and of all goods on board, or which may have been on board such ships, and also of all goods unladen from any ship in any port or place in the said colony; be it therefore enacted and ordained, that no goods shall be unladen from any ship arriving from parts beyond the seas at any port or place in the said colony, nor shall bulk be broken after the arrival of such ship within four leagues of the coasts thereof respectively, before due report of such ship and due entry of such goods shall have been made and warrant granted, in manner hereinafter directed; and that no goods shall be so unladen, except at such times and places, and in such manner, and by such persons, and under the care of such officers, as is and are hereinafter directed; and that all goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited, and if bulk be broken contrary hereto, the master of such ship shall forfeit the sum of 100 *l.*

Goods, &c. declared forfeited by law may be seized.

XII. And be it enacted and ordained, that all goods, ships, vessels, and boats, which by any law in force within the said colony shall be declared to be forfeited, may be seized by any officer of the Customs.

Vessels not bringing-to at stations, master to forfeit not less than 10 *l.* nor more than 100 *l.*

XIII. And be it enacted and ordained, that if the master of any ship or vessel arriving at or departing from any port in the said colony shall neglect or refuse to bring-to at the proper stations in such port appointed by the Governor for the boarding or landing of officers of the Customs, the master of such ship or vessel shall for every such offence forfeit the sum of not less than 10 *l.* nor more than 100 *l.*

Officers may be stationed in ships in the limits of any port.

XIV. And be it enacted and ordained, that it shall be lawful for the collector or other principal officer of Customs to station an officer on board any ship or vessel while within the limits of any port in the said colony, and the master of every ship or vessel on board of which any officer is so stationed shall provide every such officer sufficient room under the deck, in some part of the forecastle or steerage, for his bed or hammock; and in case of neglect or refusal so to do, shall forfeit the sum of 20 *l.*

Ships and cargo to be reported on arrival.

XV. And be it enacted and ordained, that the master of every ship or vessel arriving in the said colony, whether laden or in ballast, shall come within 24 hours, and before bulk be broken, to the Custom-house, and there make

make a report in writing to the collector or other principal officer of the arrival and voyage of such ship or vessel, stating the name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship or vessel, and whether she be laden or in ballast, and if laden, the marks, numbers, and contents of every package or parcel of goods on board, and where the same was laden, and where and to whom consigned, and where and what goods, if any, had been unladen during the voyage, and what part of the cargo, if any, is intended for exportation in such ship or vessel to parts beyond the seas, and what surplus of stores or stock remains on board such ship or vessel, as far as any of such particulars can be known to him; and the master shall further answer all such questions concerning the ship or vessel, and the cargo, and the crew, and the voyage, as shall be demanded of him by such officer; and if any goods shall be unladen from any ship or vessel before such report be made, or if the master shall fail to make such report, or shall make an untrue report, or not truly answer the questions demanded of him, he shall forfeit the sum of 100*l.*

Officers to board ships.

XVI. And be it further enacted and ordained, that it shall be lawful for the proper officer or officers of the Customs to board any ships or vessels arriving at any port of the said colony, and freely to stay on board until all the goods laden therein shall have been duly delivered from the same; and such officer or officers shall have free access to every part of the ship or vessel, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship or vessel; and if any place, or any box or chest be locked, and the keys be withheld, such officer or officers, if he or they be of a degree superior to tidewaiters, may open any such place, box, or chest, in the best manner in their power, and if they be tidewaiters, or only of that degree, they shall send for their superior officer, who may open or cause to be opened any such place, box, or chest, in the best manner in his power; and if any goods be found concealed on board any such ship or vessel, they shall be forfeited; and if the officer shall place any lock, mark, or seal upon any goods on board, and such lock be wilfully opened, altered, or broken, before due delivery of such goods; or if any such goods be secretly conveyed away, or if the hatchways, after having been fastened down by the officer, be opened, the master of such ship or vessel shall forfeit the sum of 100*l.*

Duties.

XVII. And be it enacted and ordained, that from and after the 1st day of July next there shall be raised, levied, collected, and paid unto Her Majesty, Her heirs and successors, for the public uses of the said colony, upon goods, wares, and merchandise imported into the colony of New Zealand and its dependencies, and landed at any port or place therein, the several duties of customs as the same are respectively inserted, described, and set forth in figures in the Table to this Ordinance annexed, denominated, "A Table of Duties of Customs," except British goods, and goods the produce of, and imported direct from New South Wales or Van Diemen's Land.

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Duty on tobacco.

XVIII. And whereas, in and by a certain Act of the Governor and Council of New South Wales, made and passed in the fourth year of the reign of Her said present Majesty, intituled, "An Act to regulate the Payment of the Duties of Customs in Her Majesty's Dominions in the Islands of New Zealand," and which has been adopted, and is intended still to be in force within the said colony of New Zealand, it is provided that no duty of customs shall be charged, payable, or paid on any tobacco which may be imported into any of the islands of New Zealand, until the 1st day of January 1843; and it is expedient that such duty shall commence and be charged, payable, and paid from the 1st day of January now next ensuing; be it therefore further enacted and ordained, that so much of the said Act as appoints the 1st day of January 1843 for the commencement of such duty on tobacco, shall be and the same is hereby repealed; and that the said Act, in all other respects, is and shall be in force within the said colony of New Zealand and its dependencies.

Particulars of entry of goods inwards.

XIX. And be it enacted and ordained, that the person entering any goods shall deliver to the collector, or other proper officer, a bill of the entry thereof, fairly

fairly written in words at length, containing the name of the importer, and of the ship, and of the master, and of the place from whence they were brought, and of the place within the port where the goods are to be unladen, and the particulars of the quantity and quality of the goods, and the packages containing the same, and the marks and numbers on the packages, and two or more duplicates, as the case may require, of such bill, in which all sums and numbers may be expressed in figures, and the particulars contained in such bills shall be written and arranged in such form and manner, and the number of such duplicates shall be such, as the collector or other principal officer, or other proper person, shall require, and such person shall, at the same time, pay down all duties due upon the goods, and the collector or other proper officer shall thereupon grant his warrant for the unlading of such goods.

Unauthorized persons not permitted to make entries.

XX. And be it enacted and ordained, that every person who shall make, or cause to be made, any such entry inwards of any goods, not being duly authorized thereto by the proprietor or consignee of such goods, shall for every such offence forfeit the sum of 100*l.*

If goods be not entered in 20 days, officers may land and secure them.

XXI. And be it enacted and ordained, that every importer of any goods shall, within 20 days after the arrival of the importing ship or vessel, make due entry inwards of such goods, and land the same; and in default of such entry and landing it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse; and if the duties due upon such goods be not paid within three months after such 20 days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied, first, to the payment of freight and charges; next, of duties; and the overplus, if any, shall be paid to the proprietor of the goods, or other person duly authorized to receive the same.

Entry not to be valid if goods are not properly described in it.

XXII. And be it enacted and ordained, that no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, or in the certificate, or other document, where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry, by the denominations, and with the characters and circumstances according to which such goods are charged with duty, or may be imported; and any goods taken or delivered out of any ship, or out of any warehouse, by virtue of any entry or warrant, not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

Goods imported from the United Kingdom or British possessions must appear in cocket, &c. &c.

XXIII. And be it enacted, ordained, and declared, that no goods shall be imported into New Zealand, as being imported from the United Kingdom, or from any other British possession (if any advantage attach to such distinction), unless such goods appear upon the cockets, or other proper documents for the same, to have been duly cleared outwards at the port of exportation in the United Kingdom, or in such other British possession, nor unless the ground upon which such advantage be claimed be stated in such cocket or document.

Goods to be unshipped, &c. at expense of importer.

XXIV. And be it enacted and ordained, that the unshipping, carrying, and landing of all goods, and the bringing of the same to the proper place after landing, for examination, or for weighing, and the putting of the same into the scales, and the taking the same out of and from the scales after weighing, and the opening and closing of the same, shall be performed by, or at the expense and risk of the importer.

Bonds to be taken by the collector.

XXV. And be it enacted and ordained, that all bonds relating to the Customs required to be given in respect of goods or ships, shall be taken by the collector or other principal officer of Customs, for the use of Her Majesty, and after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced shall be void, and may be cancelled and destroyed.

Certificate of production where advantage derived at port of importation.

XXVI. And be it enacted and ordained, that before any goods shall be shipped for exportation to the United Kingdom, as being the produce of the said

said colony, or of New South Wales, or of Van Diemen's Land, or any island of the Pacific Ocean respectively, and upon which any advantage shall be claimed at the port of importation, sufficient proof shall be made to the satisfaction of the collector or other principal officer of Customs of the identity of such goods being the produce of the said colony, or of New South Wales, or of Van Diemen's Land, or of some island of the Pacific Ocean respectively, whereupon the collector or other principal officer is hereby empowered to grant a certificate to that effect.

Entry inwards by bill of sight.

XXVII. And be it enacted and ordained, that if the importer of any goods, or his known agent, shall make and subscribe a declaration before the collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the collector or other proper officer to receive an entry by bill of sight for the packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the officers of Customs, and at the expense of the importer, and may be seen and examined by such importer in the presence of the proper officer; and within three days after the goods shall have been so landed, the importer shall make a perfect entry thereof, and shall either pay down all duties due thereon or duly warehouse the same, and in default of such entry, such goods shall be taken to the Queen's warehouse, and if the importer shall not within one month after such landing make perfect entry of such goods, and pay the duties due thereon, together with the charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus, if any, shall be paid to the proprietor of the goods, or other person duly authorized to receive the same.

Goods subject to *ad valorem* duty.

XXVIII. And be it enacted and ordained, that in all cases where the duties imposed upon the importation of articles into the said colony are charged, not according to weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer of such articles, or his known agent, in manner and form following; that is to say, "I, A. B., do hereby declare that the articles mentioned in the entry, and contained in the packages (here specifying the several packages, and describing the several marks and numbers, as the case may be), are of the value of

Witness my hand, this day of

A. B." "The above declaration signed the day of , in the presence of C. D., collector (or other principal officer"); which declaration shall be written on the bill of entry of such articles, and shall be subscribed with the hand of the importer thereof, or his known agent, in the presence of the collector or other principal officer of the Customs, at the port of importation; provided, that if upon view and examination of such articles by the proper officer of the Customs, it shall appear to him that the said articles are not valued according to the true price and value thereof, and according to the true intent and meaning of this Ordinance, then and in such case the importer, or his known agent, shall be required to declare on oath, before the collector or other principal officer of Customs, what is the invoice price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported; and such invoice price, with the addition of 10 *l.* per centum thereon, shall be deemed to be the value of the articles, in lieu of the value so declared by the importer or known agent, and upon which the duties due thereon shall be charged and paid; provided also, that if it shall appear to the collector or other proper officer that such articles have been found invoiced below the real and true value thereof, at the place from whence the same were imported, or if the invoice price is not known, the articles shall in such case be re-examined by two competent persons, to be nominated and appointed by the Governor of the said colony, and such persons shall declare on oath, before the collector or other proper officer, what is the true and real value of such articles at the port of importation in the said colony, and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties thereon shall be charged and paid.

If importer refuse to pay duty, goods to be sold.

XXIX. And be it enacted and ordained, that if the importer of such articles shall refuse to pay the duties imposed thereon, it shall and may be lawful for the

the collector, or other officer of the Customs, and he is hereby required to take and secure the same, with the casks or other packages thereof, and cause the same to be publicly sold within the space of 20 days at the most after such refusal made, and at such time and place as such officer shall, by four or more days' public notice, appoint for that purpose, which articles shall be sold to the best bidder, and the money arising from the sale thereof shall be applied, in the first place, in the payment of the said duties, together with the charges that shall have been occasioned by the said sale, and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

Drawback on goods exported having paid duty on importation.

XXX. And be it enacted and ordained, that there shall be allowed upon the exportation of goods, wares, or merchandize imported into any port in the said colony a drawback of the duty paid thereon, provided always that proof be made to the satisfaction of the collector or other principal officer, that the full duties on importation had been paid, and that such goods had been duly landed at the port for which the same were cleared; and that no drawback shall be allowed unless the goods on which the same is claimed shall be shipped within three years from the day of importation thereof, nor unless the value of the goods upon which the duty is to be returned shall amount to 50 *l.*; and that such drawback is duly claimed within one year from the day of such shipment; provided always, that no drawback shall be allowed upon any goods which, by reason of damages or decay, shall become of less value for home use than the amount of such drawback; and all goods so damaged, which shall be cleared for any drawback, shall be forfeited, and the person who caused such goods to be so cleared shall forfeit the sum of 200 *l.*, or treble the amount of the drawback in such case, at the election of the Governor of the said colony.

Returned goods entered by bill of store.

XXXI. And be it enacted and ordained, that it shall be lawful to re-import into the said colony any goods which shall have been legally exported from the same, and to enter such goods by bill of store, referring to the entry outward and exportation thereof; provided the property in such goods continue in the same person by whom, or on whose account, the same have been exported; and if the goods so returned be foreign goods, which had before been legally imported into the said colony, the same duties shall be payable thereon as would at the time of such re-importation be payable on the like goods under the same circumstances of importation, as those under which such goods had been originally imported, or such goods may be warehoused, as the like goods may be warehoused upon a first importation thereof.

Rents on goods secured for duty.

XXXII. And be it further enacted and ordained, that whenever any goods shall be taken to and secured in any of the Queen's warehouses in the said colony for security of the duties thereon, or to prevent the same from coming into home use, it shall and may be lawful for the collector or other principal officer to charge, demand, and receive warehouse rent for such goods for all such time as the same shall remain in such warehouse, at the rates specified in the Schedule (E.) annexed to this Ordinance.

Power to sell goods not cleared from Queen's warehouse, within limits of a port.

XXXIII. And be it enacted and ordained, that in case goods shall not be duly cleared from the Queen's warehouse within three calendar months (or sooner, if they be of a perishable nature), it shall be lawful for the collector or other principal officer of Her Majesty's Customs to cause such goods to be publicly sold by auction for home use or for exportation, as the case may be; and the produce of such sale shall be applied towards the payment of the duties, if sold for home use, and of the warehouse rent, and all other lawful charges; and the overplus, if any, shall be paid to the person duly authorized to receive the same; provided always, that it shall be lawful for the said collector, or other principal officer, to cause any of such goods to be destroyed as cannot be sold for a sum sufficient to pay such duties and charges, if sold for home use, or sufficient to pay such charges if sold for exportation; provided also, that if such goods shall have been landed by the officers of the Customs, and the freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such freight.

Collector or other principal officer to appoint warehouses for bonding goods.

XXXIV. And whereas it is expedient to make regulations for the warehousing of spirits, tobacco, and other goods, which may be legally imported, and it is therefore necessary to provide for the appointing of proper warehouses, and for the lodging and securing such goods therein: be it therefore enacted and ordained, that it shall be lawful for the collector, or other principal officer, by notice in writing under his hand, to appoint such warehouses respectively as shall be approved of by him for the free warehousing and securing of goods therein for the purposes of this Ordinance, and also by like notice to revoke any such appointment: provided that every such notice shall be transmitted to the Governor, and shall be published in such manner as he shall direct.

Goods may be warehoused without payment of duty.

XXXV. And be it enacted and ordained, that it shall be lawful for the importer of any spirits, tobacco, or other goods, to warehouse the same in the warehouses so appointed without payment of any duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions, and conditions hereinafter contained.

Account of goods to be taken on landing.

XXXVI. And be it enacted and ordained, that upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officer for exportation, or upon due entry and payment of the duty for home use.

Bond upon entry of goods to be warehoused.

XXXVII. And be it enacted and ordained, that upon entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond, with two sufficient sureties, to be approved of by the collector, or other principal officer, in treble the amount of duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof, according to the first account taken of such goods upon the landing of the same, and without any abatement on account of deficiency, except as by this Ordinance is otherwise provided; and with further condition that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon due entry for exportation: and if after such bond shall have been given, the goods, or any part thereof, shall be sold or disposed of, so that the original bonder shall be no longer interested in or have control over the same, it shall be lawful for the collector or other principal officer to admit fresh security to be given by the bond of the new proprietor, or other person having control over such goods, with two sufficient sureties, and to cancel the bond given by the original bonder of such goods, or to exonerate him to the extent of the fresh security so given.

Bonds given previous to Ordinance to continue in force.

XXXVIII. And be it enacted and ordained, that all appointments of warehouses for the warehousing of goods, made under the authority of any other Ordinance in force at the time of the commencement of this Ordinance, shall continue in force as if the same had been made under the authority of this Ordinance, and all bonds given in respect of any goods warehoused, or entered to be warehoused under any Ordinance in force at the time of the commencement of this Ordinance, shall continue in force for the purposes of this Ordinance.

Samples may be taken.

XXXIX. And be it enacted and ordained, that it shall be lawful for the officers of the Customs to take such samples of any goods as shall be necessary for ascertaining the amount of any duties payable on the same; and all such samples shall be disposed of and accounted for in such manner as directed by the collector or other principal officer of Her Majesty's Customs.

Bond on entry for exportation.

XL. And be it enacted and ordained, that upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond in treble the duties of importation on the quantity of such goods, with two sufficient sureties, to be approved by the collector or other proper officer, that the same shall be landed at the place for which they shall be entered outwards, or be otherwise accounted for to the satisfaction of the collector or other proper officer.

XLI. And

XLI. And whereas spirits and tobacco and certain other goods are liable in time to fluctuation of quantity by the effect of the atmosphere, or other natural causes: be it therefore enacted and ordained, that it shall be lawful for the collector or other principal officer, or for the proprietor or importer of any such goods as aforesaid, to require the same to be re-gauged or re-weighed at the time when the same shall be respectively delivered from the said warehouse, and the duties respectively payable thereon shall be paid according to the quantities ascertained upon such re-gauging or re-weighing, unless it shall be mutually agreed by and between the said parties that the said duties shall be paid on the quantities originally entered.

Spirits and tobacco may be re-gauged or re-weighed.

XLII. And be it enacted and ordained, that it shall be lawful for the collector or other principal officer, under such regulations as he shall see fit, to permit the proprietor or other person having control over any goods so warehoused, to sort, separate, pack and re-pack any such goods, and to make such alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any part of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods: provided always, that it shall be lawful for any person to abandon any whole packages to the officers of the Customs for the duties, without being liable to any duty upon the same.

Goods may be re-sorted and re-packed.

XLIII. And be it enacted and ordained, that goods warehoused at any warehousing port in the said colony, being first duly entered, may be delivered under the authority of the proper officer of the Customs, without payment of duty, except for any deficiency thereof, for the purpose of removal to another warehousing port in the same colony, under bond, to the satisfaction of such officer, for the due arrival and re-warehousing of such goods at such other port.

Goods warehoused may be delivered for removal without payment of duty.

XLIV. And be it enacted and ordained, that if any goods entered or warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by any unavoidable accident, either on ship-board or in the landing or shipping of the same, or in the receiving into, or delivering from the warehouse, it shall be lawful for the Governor of the said colony for the time being to remit or return the duties payable or paid on the quantity of such goods so lost or destroyed.

Goods lost or destroyed, Governor may remit duties.

XLV. And be it enacted and ordained, that in case it shall at any time happen that any embezzlement, waste, spoil, or destruction shall be made of or in any goods or merchandize which shall be warehoused in warehouses under the authority of this or any other Ordinance, by or through any wilful misconduct of any officer or officers of Customs, such officer or officers shall be deemed guilty of a misdemeanor, and shall, upon conviction, suffer such punishment as may be inflicted by law in cases of misdemeanor; and if such officer shall be so prosecuted to conviction by the importer, consignee, or proprietor of the goods or merchandize so embezzled, wasted, spoiled, or destroyed, then and in such case no duty shall be payable for or in respect of such goods or merchandize so embezzled, wasted, spoiled, or destroyed, and no forfeiture nor seizure shall take place of any goods or merchandize so warehoused in respect of any deficiency caused by such embezzlement, waste, spoil, or destruction, and the damage occasioned by such embezzlement, waste, spoil, or destruction of such goods or merchandize shall be repaid and made good to such importer, consignee, or proprietor, by the collector or other principal officer of Customs, under such orders, regulations, and directions as shall be for that purpose made and given by the Governor of the said colony for the time being.

Embezzlement, &c. of goods warehoused through wilful misconduct of officers.

XLVI. And be it enacted and ordained, that all goods so warehoused shall be stowed in such parts or divisions of the warehouse as the collector or other proper officer may direct, and in such manner as that easy access may be had to every package, and if the occupier of the warehouse shall omit so to stow the same, he shall for every such omission forfeit the sum of 5 *l.*; and that the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations as the collector or other proper officer shall direct.

Stowage of goods in warehouse.

Warehouse fraudulently opened, penalty 500 *l.*

XLVII. And be it enacted and ordained, that if any importer or proprietor of any goods warehoused, or any other person, shall by any contrivance fraudulently open the warehouse, or gain access to the goods, except in the presence of the proper officer acting in the execution of his duty, such importer, proprietor, or other person, shall forfeit and pay for every such offence the sum of 500*l.*

All goods to be cleared within three years, or sold.

XLVIII. And be it enacted and ordained, that all goods which shall have been so warehoused or re-warehoused shall be duly cleared, either for exportation or for home consumption, within three years from the day of the entry thereof; and if such goods be not so cleared, it shall be lawful for the collector or other proper officer to cause the same to be sold, and the produce shall be applied, first to the payment of the duties, next to the warehouse-rent and other charges, and the overplus, if any, shall be paid to the proprietor, or other person duly authorized to receive the same: provided always, that it shall be lawful for the collector or other proper officer to grant further time for any such goods to remain warehoused if they shall see fit so to do.

Goods not duly warehoused, &c. to be forfeited.

XLIX. And be it enacted and ordained, that if any goods which have been entered to be warehoused shall not be duly carried and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

Entry outwards of ship or cargo.

L. And be it enacted and ordained, that the master of any ship or vessel bound from the said colony shall, before any goods be laden therein, deliver to the collector or other proper officer an entry, outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship or vessel before such entry be made, the master of such ship or vessel shall forfeit and pay the sum of 50*l.*; and before such ship or vessel depart, the master shall bring and deliver to the collector or other proper officer a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consigners of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any of such particulars can be known to him; and the master of every ship or vessel bound from the said colony, whether in ballast or laden, shall, before departure, come before the collector or other proper officer, and answer upon oath all such questions concerning the ship or vessel, and the cargo, if any, and the crew and passengers, and the voyage, as shall be demanded of him by such officer, and thereupon the collector or other proper officer, if such ship or vessel be laden, shall make out and give to the master a certificate of the clearance of such ship or vessel for her intended voyage, containing an account of the total quantities of several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit and pay the sum of 100*l.*

Goods not stated in certificate to be produce of this colony, to be deemed of foreign production.

LI. And be it enacted and ordained, that no goods shall be stated in such certificate of clearance of any ship or vessel from the said colony to be the produce thereof unless such goods shall have been expressly stated so to be in the entry outwards of the same.

Colonial trade.

LII. And be it enacted and ordained, that all vessels the property of Her Majesty's subjects trading from one part of the said colony to another part thereof, between the North Cape, in or about the latitude of 34° south, and the southern limits of the same, in or about the latitude of 47° degrees 10′ south, shall be considered as engaged in the coasting trade.

Goods carried coastwise, under what regulations.

LIII. And be it enacted and ordained, that no goods shall be laden on board any vessel in any port of the said colony as aforesaid, where any officer of the Customs shall or may be hereafter stationed, to be carried coastwise, nor, having been

been brought coastwise, shall be unladen, until due notice in writing, signed by the master, shall be given to the collector or other proper officer, by the master, owner, or agent of such vessel, of the intention to lade goods on board the same to be so carried, or of the arrival of such vessel with goods so brought, as the case may be, nor until proper documents shall have been granted for the lading or unlading of such goods; and such goods shall not be so laden nor unladen except at such times and places, and in such manner, and by such persons, and under the care of such officers, as shall be appointed by the collector or other proper officer for that duty; provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs to make and appoint such other regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment, as shall to them appear expedient; and that all goods laden, waterborne, or unladen, contrary to this Ordinance, or contrary to any regulations so made and appointed, shall be forfeited; and the master of any vessel so lading or unlading goods contrary to the true intent and meaning of this Ordinance shall forfeit the sum of 10 *l.*

Produce and manufactures of New South Wales and Van Diemen's Land, excepting spirituous liquors, to be admitted duty free.

LIV. And whereas it is advisable to allow the produce of New South Wales and Van Diemen's Land to be imported into the said colony of New Zealand free of duty; be it enacted and ordained, that the produce of manufactures of New South Wales and Van Diemen's Land, excepting spirituous liquors, shall be admitted to entry on importation into the said colony of New Zealand without any duty being charged thereon.

Construction in general.

LV. And in order to avoid the frequent use of numerous terms and expressions in this Ordinance, or any other Act or Ordinance relating to the Customs, and to prevent any misconstruction of the terms and expressions used therein; be it enacted and ordained, that whenever the several terms or expressions following shall occur in this Ordinance, or in any other Act or Ordinance relating to the Customs, or to trade and navigation, the same shall be construed respectively in manner hereinafter directed, that is to say, that the term "ship" shall be construed to mean ship or vessel generally, unless such term shall be used to distinguish a ship from sloops, brigantines, and other classes of vessels; that the term "master" of any ship shall be construed to mean the person having or taking the charge or command of such ship; that the term "owners" and the term "owner" of any ship, shall be construed alike to mean one owner, if there be only one, and any or all the owners, if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term "seaman" shall be construed to mean alike seaman, mariner, sailor, or landsman, being one of the crew of any ship; that the term "British Possessions" shall be construed to mean colony, plantation, island, territory, or settlement belonging to Her Majesty; that the term "Her Majesty" shall be construed to mean Her Majesty, Her Heirs, and Successors; that the term "East India Company" shall be construed to mean the United Company of Merchants of England trading to the East Indies; that the terms "Limits of the East India Company's Charter" shall be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan; that the term "collector or other officer" shall be construed to mean the collector or other officer of the Customs of the port intended in the sentence; that whenever mention is made of any public officer, the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept, and secured without payment of duty; that the term "Queen's Warehouse" shall be construed to mean any place provided by the Crown for lodging goods therein for security of the Customs.

Vessels not under 70 tons proceeding on a voyage exceeding 40 days, permitted to ship limited quantities of spirits and tobacco free of duty.

LVI. And be it enacted and ordained, that the master or owner of any ship or vessel, being of the burthen of 70 tons at least, bound on a voyage to foreign parts, the probable duration of which out and home will not be less than 40 days, shall be permitted to ship such quantities of spirits and tobacco, free of duty, from the warehouse as stores for the use of the crew and passengers, in a proportion not exceeding one gallon of spirits and one pound of tobacco for each man on board, for every month the ship or vessel may be reasonably expected to be absent; provided that such stores shall be duly borne

upon the ship or vessel's victualling bill, and shall be shipped in such manner, and subject to such directions and regulations as the collector or other principal officer of Customs shall appoint; provided also, that the master or owner of such ship or vessel shall previously enter into a bond, with two sufficient sureties, in treble the amount of duties payable upon the spirits and tobacco so shipped, that no part thereof shall be re-landed in the said colony without due entry at the Custom House.

Vessels or boats found light to be forfeited.

LVII. And be it enacted and ordained, that if any ship, vessel, or boat whatsoever shall be found within the limits of any port in the said colony with a cargo on board, and such ship, vessel, or boat shall afterwards be found light, or in ballast, and the master is unable to give a due account of the port or place within the said colony where such ship, vessel, or boat shall have legally discharged her cargo, or the deficient part thereof, such ship, vessel, or boat, with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited.

Vessel to bring-to on being chased by vessels or boats of the navy or in preventive service; and not bringing-to may be fired into.

LVIII. And be it enacted and ordained, that in case any ship, vessel, or boat liable to seizure or examination under any ordinance or law relating to the Customs, or for the prevention of smuggling, shall not bring-to on being required so to do on being chased by any ship, vessel, or boat in Her Majesty's Navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any ship, vessel, or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such ship, vessel, or boat, in Her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into any such ship, vessel, or boat, and such captain, master, or other person acting in his aid or assistance, or by his direction, shall be, and he is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing.

Vessels belonging to Her Majesty's subjects not to hoist any pendant, ensign, or colours usually worn by Her Majesty's ships.

LIX. And be it enacted and ordained, that if any person or persons shall, from and after the passing of this Ordinance, wear, carry or hoist, in or on board any ship, vessel, or boat whatever belonging to any of Her Majesty's subjects, whether the same be merchant or otherwise, without particular warrant for so doing from Her Majesty, or Her High Admiral of Great Britain, or the Commissioners for executing the office of High Admiral of Great Britain, Her Majesty's jack, commonly called the Union Jack, or any pendant, ensign, or colours usually worn by Her Majesty's ships, or any flag, jack, pendant, ensign, or colours resembling those of Her Majesty, or those used on board Her Majesty's ships, or any other ensign or colours than the ensign or colours by any proclamation of Her Majesty now in force, or hereafter to be issued, prescribed to be worn, then, and in every such case, the masters or other person having the charge or command thereof, or the owner or owners being on board the same, and every other person so offending, shall forfeit and pay the sum of 50*l.*; and it shall be lawful for any officer or officers of Her Majesty's Navy on full pay, or for any officer or officers of Customs, to enter on board any such ship, vessel, or boat, and to seize any such flag, jack, pendant, ensign, or colours, and the same shall thereupon be forfeited.

Vessels and boats used in removal of run goods to be forfeited.

LX. And be it enacted and ordained, that all ships, vessels, and boats made use of in the removal, carriage, or conveyance of any goods liable to forfeiture under this or any other Act or Ordinance relating to the revenue of Customs, shall be forfeited.

Boats belonging to vessels to have names of vessels painted upon the outside of stern, and master's name within the transom.

LXI. And be it enacted and ordained, that the owner of every ship or vessel belonging in the whole or in part to any of Her Majesty's subjects, shall, within 24 hours after her report, paint or cause to be painted, on the outside of the stern of every boat belonging to such ship or vessel, the name of such ship or vessel, and the port or place to which she belongs, and the master's name within-side the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

Boats not belonging to vessels to have names of owners painted upon the stern.

LXII. And be it enacted and ordained, that the owner of every boat not belonging to any ship or vessel shall paint or cause to be painted upon the stern of such boat, in white or yellow Roman letters, of two inches in length, on a black ground, the name of the owner or owners of the boat, and the port or

or place to which she belongs, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

Vessels, &c., with false bulk-heads, &c., forfeited.

LXIII. And be it enacted and ordained, that all ships, vessels, and boats belonging in the whole or in part to Her Majesty's subjects, having false bulk-heads, false bows, double sides or bottom, or any secret or disguised place whatsoever in the construction of the said ship, vessel, or boat, for the purpose of concealing goods, or having any hole, pipe, or device in or about the ship, vessel, or boat adapted for the purpose of running goods, shall be forfeited, with all the guns, furniture, ammunition, tackle, and apparel belonging to such ship, vessel, or boat; and all goods liable to the payment of the duties, or prohibited to be imported into the said colony, found concealed on board any ship, vessel, or boat, or in any of the packages of goods on board, or in or underneath the ballast, or in any other place on board such ship, vessel, or boat, shall be forfeited.

Boats not registered to be licensed.

LXIV. And be it enacted and ordained, that no ship, vessel, or boat under the tonnage allowed by law to be registered, shall be employed either in the removal of goods or passengers, or for any purpose whatever, unless duly licensed according to the form hereinafter stated, and every such ship, vessel, or boat so employed, without being duly licensed as aforesaid, shall be forfeited, together with the tackle, furniture, and apparel thereof, and shall and may be seized by any officer of Customs.

Particulars of licence.

LXV. And be it enacted and ordained, that the licence for every vessel or boat requiring a licence under this Ordinance, shall be granted by the collector or other proper officer of the Customs, and such licence shall set forth the name or names of the owner or owners thereof, and his or their place or places of abode, and the manner and limits in which such vessel or boat is to be used, together with any other particulars which the said collector or other proper officer may require and direct, and that the owner or owners thereof shall give his or their own security, by bond, with two sufficient sureties (being housekeepers), in treble the value of such vessel or boat, with conditions as follows; that is to say, that the vessel or boat shall not be employed in the importation, landing, or removing of any prohibited or uncustomed goods, contrary to the true intent and meaning of this Ordinance, or any other Act relating to the revenue of Customs, nor in the exporting of goods, nor in the re-landing of goods contrary to law, nor shall receive or take on board, or be found at sea with any goods subject to forfeiture, nor shall do anything contrary to this Ordinance, or any other Act or Ordinance hereafter to be made relating to the revenue of Customs, or the protection of the trade or commerce in the said colony, nor shall be employed otherwise than mentioned in the said licence, and within the limits therein mentioned; and in case of loss, breaking up, or disposal of such vessel or boat, that the licence shall be delivered up within six months from the date of such loss, breaking up, or disposal of such vessel or boat, to the collector or other proper officer of the Customs.

Goods unshipped without payment of duties, and prohibited goods liable to forfeiture, with the boats, &c. used in removal.

LXVI. And be it enacted and ordained, that if any goods liable to the payment of duties shall be unshipped from any ship, vessel, or boat in the said colony, Customs or other duties not being first paid or secured, or if any prohibited goods whatsoever shall be imported into any part of the said colony, or if any goods whatsoever shall have been warehoused or otherwise secured in the said colony, either for home consumption or exportation, shall be clandestinely or illegally removed from or out of any warehouse or place of security, that then, and in such case, all such goods as aforesaid shall be forfeited, together with all horses and other animals, and all carriages and other things made use of in the removal of such goods.

Vessels, boats, and goods, may be seized by officers and persons herein mentioned, and must be delivered to the proper officer.

LXVII. And be it enacted and ordained, that all ships, vessels, and boats, and all goods whatsoever, liable to forfeiture under this or any other Ordinance relating to the revenue of Customs, shall and may be seized in any place, either upon land or water, by any officer or officers of Her Majesty's Navy on full pay, or by any officer or officers of Customs, or by any person having authority to seize from the Commissioners of Her Majesty's Customs or the Governor of the said colony; and all ships, vessels, boats, and goods so seized, shall, as soon as conveniently may be, be delivered into the care of the proper officer appointed to receive the same.

 LXVIII. And

Officers authorized by writ of assistants, and having a peace officer, may search houses for prohibited goods, and break open doors and packages to seize such goods.

LXVIII. And be it enacted and ordained, that it shall and may be lawful for any officer or officers of Customs, or person acting under the direction of the Governor of the said colony, or of the Commissioners of Her Majesty's Customs, having a writ of assistants under the hand of the chief justice of Her Majestys supreme court of the said colony, to take a constable or other public officer inhabiting near the place, and in the day-time to enter into and search any house, shop, cellar, warehouse, room, or other place; and in case of resistance, to break open doors, chests, trunks, and other packages, there to seize, and from thence to bring, any uncustomed or prohibited goods, and to put and secure the same in the Queen's warehouse in the port next to the place from which such goods shall be so taken as aforesaid.

Duration of writs of assistants.

LXIX. And be it enacted and ordained, that all writs of assistants so issued as aforesaid, shall continue and be in force during the whole of the reign in which such writs shall have been granted, and for six months from the conclusion of such reign.

Officers of Customs, &c., may, on probable cause, stop carts, &c., and search for goods.

LXX. And be it enacted and ordained, that it shall be lawful for any officer or officers of Customs, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, upon reasonable suspicion to stop and examine any cart, waggon, or other means of conveyance, for the purpose of ascertaining whether any smuggled goods are contained therein; and if no such goods shall be found, then and in such case the officer or other person so stopping and examining such cart, waggon, or other conveyance, having had probable cause to suspect that such cart, waggon, or other conveyance had smuggled goods contained therein, shall not, on account of such stoppage and search, be liable to any prosecution or action at law on account thereof; and all persons driving or conducting such cart, waggon, or other conveyance, refusing to stop when required so to do in the Queen's name, shall forfeit a sum of not less than 5*l.* nor exceeding 50*l.*

Persons unshipping, harbouring, or having custody of any prohibited or uncustomed goods, to forfeit treble the value, or 100 *l.*

LXXI. And be it enacted and ordained, that every person who shall unship, or be aiding, assisting, or be otherwise concerned in the unshipping of any goods the duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any goods which have been illegally unshipped without payment of duties, or which shall have been illegally removed without payment of the same, from any warehouse or place of security in which they may have been deposited, and every person to whose hands and possession any such uncustomed or prohibited goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited as aforesaid, shall forfeit either the treble value thereof, or the penalty of 100*l.*, at the election of the officer or officers of Her Majesty's Customs.

How value is to be ascertained.

LXXII. And be it enacted, ordained, and declared, that in all cases where any penalty, the amount of which is at any time to be determined by the value of any goods, is directed to be sued for under any law now in force, or hereafter to be made, for the prevention of smuggling, or relating to the revenue of Customs, such value shall be deemed and taken to be according to the rate and price which goods of the like sort or denomination, and of the best quality, bear at such time, and upon which the duties due upon importation have been paid.

Penalty on persons offering goods for sale under pretence of being run or prohibited.

LXXIII. And be it enacted and ordained, that if any person or persons shall offer for sale any goods, under pretence that the same are prohibited, or have been unshipped and run on shore without payment of duties, then and in such case all such goods (although not liable to any duties, or prohibited) shall be forfeited, and the person or persons, and every of them, offering the same for sale, shall forfeit treble the value of such goods, or the penalty of 100*l.*, at the election of the officer or officers of Her Majesty's Customs.

Persons unshipping, or concerned in the carrying, conveying, or concealing spirits or tobacco, to forfeit 100 *l.*, and may be

LXXIV. And be it enacted and ordained, that every person whatsoever who shall unship, or be aiding, assisting, or concerned in the unshipping of any spirits, or tobacco, or other goods liable to forfeiture under this or any other Act or Ordinance relating to the Customs in the said Colony, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying,

veying, or concealing, of any such spirits, tobacco, or other goods liable to forfeiture, shall pay and forfeit for such offence the sum of 100 *l.* sterling, or treble the value of such goods, at the election of the officers of the Customs; and every such person may be detained by any officer of the Customs duly employed for the protection of the revenue, and for the prevention of smuggling in the said colony, and taken before any justice of the peace, to be dealt with as hereinafter directed; and it shall and may be lawful for the officers of Customs to proceed against any person so offending, either as above directed, or by information and summons, before two or more justices, as to the officer of Customs may seem most expedient.

detained or proceeded against by information and summons.

LXXV. And whereas it is expedient that time should be allowed to prepare informations, convictions, and warrants of commitment, be it declared, enacted, and ordained, that where any person or persons shall have been detained, by any officer or officers of the Navy on full pay, or by any officer of Customs, or any person or persons acting in his or their aid or assistance, or duly employed for the prevention of smuggling, for any offence under this or any other Act or Ordinance relating to the Customs, and shall have been taken and carried before any justice of the peace, if it shall appear to such justice that there is reasonable cause to detain such person or persons, such justice may, and he is hereby authorized and required to order such person or persons to be detained a reasonable time, and at the expiration of such time to be brought before any two justices of the peace, who are hereby required finally to hear and determine the matter.

Where persons are taken before a justice for any offence under any Act relating to the Customs, such justice may order them to be detained a reasonable time.

LXXVI. And be it enacted and ordained, that if any person liable to be detained under the provisions of this or any other Act or Ordinance relating to the Customs, shall not be detained at the time of so committing the offence for which he or they is or are liable, or after detention shall make his or their escape, it shall and may be lawful for any officer or officers of the Navy on full pay, or for any officer of Customs, or any other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, to detain such person so liable to detention as aforesaid, at any time afterwards, and to take him before any justice of the peace, to be dealt with as if detained at the time of committing the said offence.

Any person liable to be arrested, making his escape, may afterwards be detained by any officer of Customs.

LXXVII. And be it enacted and ordained, that if any person whatsoever shall obstruct any officer or officers of the Navy on full pay, or any officer or officers of Customs, or any person acting in his or their aid or assistance, or duly employed for the prevention of smuggling in the execution of his or their duty, or in the due seizing of any goods liable to forfeiture by this or any other Act or Ordinance relating to the Customs, or shall rescue, or cause to be rescued, any goods which have been seized, or shall attempt or endeavour to do so, or shall, before, or at, or after any seizure, stave, break, or otherwise destroy any goods to prevent the seizure thereof, or the securing the same, then and in such case the party or parties so offending shall forfeit for every such offence the sum of 100 *l.*

Persons resisting officers, or rescuing or destroying goods to prevent seizure, to forfeit the sum of 100 *l.*

LXXVIII. And be it enacted and ordained, that if any person shall maliciously shoot at any ship, vessel, or boat belonging to Her Majesty's Navy, or in the service of the Revenue, within 100 leagues of any part of the coast of the said colony, or shall maliciously shoot at, maim, or dangerously wound any officer of the Navy on full pay, or any officer of Customs, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, being lawfully convicted, be adjudged guilty of a felony, and suffer death as a felon.

Persons shooting at any boat belonging to the Navy, or in the service of the Revenue, &c., deemed guilty of felony.

LXXIX. And be it enacted and ordained, that if any person shall, by force or violence, assault, resist, oppose, molest, hinder, or obstruct any officer of the Navy on full pay, or any officer of Customs, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, in due execution of his or their office or duty, such person being convicted thereof, shall be transported for seven years, or sentenced to be imprisoned in any house of correction or common gaol, and kept to hard labour for any term not exceeding three years, at the discretion of the court before whom the offender shall be tried and convicted as aforesaid.

Persons assaulting officers by force or violence may be transported.

 LXXX. And

Vessels and goods seized may be disposed of as the collector, &c. shall direct.

LXXX. And be it enacted and ordained, that all ships, vessels, and boats, and all goods whatsoever, which shall have been seized and condemned for a breach of any law relating to the Customs, shall be disposed of as soon as conveniently may be, after the condemnation thereof, in such manner as the collector or other proper officer of Her Majesty's Customs shall direct.

Allowance to poor persons confined for offences against Customs laws.

LXXXI. And be it enacted and ordained, that for the necessary subsistence of any poor person confined in the said colony, under and by virtue of any process for the recovery of any duties or penalties, either upon bond or otherwise, under this or any other law relating to the revenue of Customs in force in the said colony, it shall and may be lawful for the said Governor, at his discretion, to cause an allowance, not exceeding sixpence, and not less than fourpence per day, to be made to any such poor person, out of any money arising from the duties of Customs, as the case may require.

Application of penalties.

LXXXII. And be it enacted and ordained, that all forfeitures and penalties recovered under this or any other Act or Ordinance relating to the Customs, shall be divided, paid, and applied (after deducting the charges of prosecution and other contingent expenses) as follows; that is to say, one moiety to Her Majesty, for the public uses of the said colony, and the other moiety to the seizing officer, or to the person or persons who shall sue or shall have sued for such penalty.

Penalties and forfeitures, how to be sued for.

LXXXIII. And be it enacted and ordained, that all penalties and forfeitures incurred or imposed by this or any other Act or Ordinance relating to the Customs, or to trade or navigation, shall and may be sued for, prosecuted, and recovered by action, of debt, bill, plaint, or information, in any of Her Majesty's courts of record in the said colony, or in the courts of Vice-Admiralty, or by information before any two or more justices of the peace for the said colony: provided that no proceedings shall be had or taken under this or any other Ordinance, except in the name of Her Majesty's Attorney-general, or in the name or names of some of Her Majesty's officer or officers of Customs.

All vessels, boats, and goods, seized under any law of the Customs, and ordered to be prosecuted, shall be deemed to be condemned, unless the owner gives notice that he intends to claim.

LXXXIV. And be it enacted and ordained, that all ships, vessels, boats, and goods which shall have been, or shall be hereafter seized as forfeited under any law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the collector or other proper officer of Customs, shall be deemed and taken to be condemned, and may be sold in the manner directed by law in respect to ships, vessels, boats, and goods seized and condemned for breach of any law relating to the Customs, unless the person from whom such ships, vessels, boats, and goods shall have been seized, or the owner of them, or some person authorized by him, shall, within one calendar month from the day of seizing the same, give notice in writing to the collector or other chief officer of the Customs, at the nearest port, that he claims the ship, vessel, boat, or goods, or intends to claim them.

Justices may summon offenders, and the summons may be left at his last place of residence, or on board any ship to which he belongs.

LXXXV. And be it enacted and ordained, that upon the exhibiting any information before any justice of the peace for any offence against this or any other Act or Ordinance relating to the Customs, or to trade or navigation, for which offence the party charged is not liable to be detained in manner hereinbefore mentioned, such justice is hereby required to issue a summons for the appearance of the party against whom such information is exhibited, before two justices of the peace, and such summons, directed to such party, being left at his or her last known place of residence, or on board any ship or vessel to which such party may belong, shall be deemed to have been sufficiently served.

Two justices may, upon appearance or default of the party, proceed to the hearing.

LXXXVI. And be it enacted and ordained, that upon the appearance or default of any party so summoned, it shall be lawful for any two justices of the peace to proceed to the examination of the matter contained in such information, and upon due proof thereof, either upon the confession of such party, or upon the oath of one or more credible witness or witnesses, to convict such party in the penalty or penalties sued for by such information, and in case of non-payment thereof, the same shall be levied by distress and sale of the goods and chattels of such party wherever the same may be found; and if it should appear to the justice or justices who shall have so convicted any such party that the goods and chattels of such party are not sufficient whereon to levy the distress awarded, together with the costs of such distress and sale, it shall be lawful

lawful for such justice or justices of the peace, and they are hereby authorized and required, by warrant under hand and seal, to commit such party to any of Her Majesty's gaols within their or his jurisdiction, there to remain until the penalty or penalties shall be paid, or for any period not exceeding six calendar months, unless the said penalty, with costs, shall be sooner paid.

Warrants.

LXXXVII. And be it enacted and ordained, that such warrants shall and may be executed in any part of the said colony.

Mode of proceeding before justices for the condemnation of seized goods.

LXXXVIII. And be it enacted and ordained, that when any information shall have been exhibited before any justice of the peace for the forfeiture of any goods whatsoever, seized under this or any other Act or Ordinance relating to the Customs, it shall be lawful for the said justice, and he is thereby authorized and required to summon the party to whom such goods belonged, or from whom they were seized, to appear before any two justices of the peace, and such summons directed to such party, being left either at his or her last known place of residence, or on board any ship to which such party may belong, shall be deemed to have been sufficiently served, and upon his, her, or their appearance or default, any two justices may proceed to the examination of the matter, and upon due proof that the said goods are liable to forfeiture under this or any other Act or Ordinance relating to the Customs, may condemn the said goods.

Informations and convictions to be in the form or to the effect in the Schedules.

LXXXIX. And be it enacted and ordained, that all informations before justices of the peace for any offences committed against this or any other Act or Ordinance relating to the Customs, and all convictions for such offences, and warrant of justices of the peace founded upon such convictions, shall be drawn respectively in the form, or to the effect in the Schedules (A.) (B.) (C.) and (D.) to this Ordinance annexed.

Information, &c. to be deemed valid, if the offence is set forth in the words of the Ordinance.

XC. Provided always, and be it declared, enacted, and ordained, that every information for any penalty or forfeiture, and every conviction or warrant of commitment for any penalty, shall be deemed valid and sufficient in which the offence for which such penalty shall have been inflicted, or the cause of such forfeiture is set forth in the words of this Ordinance.

No claim or appearance to be entered to any information for the forfeiture of seized goods, unless in the name of the owner, and oath made to the property.

XCI. And be it enacted and ordained, that no claim shall be permitted to be entered to, and no appearance shall be permitted to be entered to any information filed for the forfeiture of any ship, vessel, boat, or goods, seized for any cause of forfeiture, and returned into any of Her Majesty's courts of record, or in the Court of Vice-Admiralty in the said colony, unless such claim or appearance is entered in the true and real name or names of the owner or owners of such ship, vessel, boat, or goods, describing the place of residence, and the business or profession of such person or persons; and such owner or owners so making such claim, or entering such appearance as aforesaid, shall make oath before one of the judges of the court into which the said ship, vessel, boat, or goods are returned, or in which such information is filed, or before any commissioners duly appointed to administer oaths therein, that the said ship, vessel, boat, or goods was, or were, really and truly the property of him, her, or them, at the time of such seizure; and in case such claim or appearance shall be made by agent, such agent shall in like manner make oath that he has full power and legal authority and directions from such owner or owners to enter such claim or appearance, and that to the best of his knowledge and belief such ship, vessel, boat, or goods were, at the time of seizure thereof, *bonâ fide* and truly the real property of the person or persons in whose name or names such claim or appearance is entered; and on failure thereof, the ship, vessel, boat, or goods, shall be absolutely condemned, and judgment shall be entered thereon, by default, according to the usual method of proceedings of the court, in the same manner as if no claim or appearance had been entered thereto; and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Owners to give security for costs occasioned by the claim or appearance.

XCII. And be it enacted and ordained, that upon the entry of any claim to any ship, boat, or vessel, or to any goods seized for any cause of forfeiture, or of any appearance to any information filed for such forfeiture, the person or

persons who shall enter the claim or appearance as the owner or owners thereof (in case such claimant or claimants shall reside in the said colony) shall be bound, with two other sufficient sureties, in the penalty of 100 *l.* to answer and pay the costs occasioned by such claim or appearance; and if such owner or owners shall not reside in the said colony, then and in such case the attorney or solicitor by whose direction such claim or appearance shall be entered shall in like manner be bound, with two other sufficient sureties, in the like penalty, to answer and pay the costs occasioned by such claim or appearance.

If suit brought on account of seizure, and the judge shall certify that there was probable cause, plaintiff to have 2 *d.* damages, and defendant fined not more than 1 *s.*

XCIII. And be it enacted and ordained, that in case any information or suit shall be commenced or brought to trial on account of the seizure of any ship, vessel, boat, or goods, merchandise, or commodities whatsoever, or any horses or other animals, or any carriage seized as forfeited by this or any Act or Ordinance relating to the Customs wherein a verdict shall be found for the claimant thereof, and it shall appear to the judge or court before whom the same shall have been tried that there was a probable cause of seizure, such judge or court shall certify in the record that there was such probable cause, and in such case the person who made such seizure shall not be liable to any action, indictment, or other suit or prosecution on account of such seizure; and in case any action, indictment, or other suit or prosecution shall be commenced and brought to trial against any person or persons whatsoever, on account of any such seizure as aforesaid, wherein a verdict shall be given against the defendant or defendants, if the court or judge before whom such information or suit shall have been tried shall have certified in the said record that there was a probable cause for such seizure, then the plaintiff, besides the things seized, or the value thereof, shall not be entitled to above 2 *d.* damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above 1 *s.*

No process to be sued out against any officer making seizure, until one calendar month next after notice given.

XCIV. And be it enacted and ordained, that no writ shall be sued out against, nor any copy of any process served upon any officer of the Navy, or Customs, or against any person acting under the direction of the Commissioners of Her Majesty's Customs, for anything done in the execution of, or by reason of his office, until one calendar month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent for the party who intends to sue out such writ or process as aforesaid, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent, and that a fee of 20 *s.* shall be paid for preparing or serving of every such notice, and no more.

No evidence to be adduced but what is contained in the notice.

XCV. Provided always, and be it enacted and ordained, that no plaintiff in any case where an action shall be grounded on any such act done by the defendant, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall receive any verdict against such officer or person, unless he shall prove on the trial of such action that such notice was given; and in default of such proof the defendant in such action shall receive a verdict and costs as aforesaid.

Officer may tender amends.

XCVI. And be it enacted and ordained, that it shall and may be lawful to and for every such officer, or other person to whom such notice shall have been given, as aforesaid, at any time within one calendar month after such notice shall have been given, to tender amends to the party complaining, or to his, her, or their agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him, grounded on such writ or process, together with the plea of not guilty, and other pleas, with leave of the court; and if upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, that then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuited, or discontinue his, her, or their action, or in case judgment shall be given for such defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were not sufficient, or shall find against the defendant

dant in such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with his, her, or their costs of suit.

Neglecting to tender amends, may pay money into court, or shall have tendered insufficient amends.

XCVII. And be it enacted and ordained, that in case such officer or other person as aforesaid shall neglect to tender any amends before the action brought, it shall and may be lawful for him, by leave of the court where such action shall be brought, at any time before the trial of the said action, to pay into court such sum of money as he shall see fit, whereupon such proceedings, orders, and judgments shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

Action to be commenced within six months next after cause of action has arisen.

XCVIII. And be it enacted and ordained, that if any action or suit be brought or commenced as aforesaid, such action or suit shall be brought or commenced within six calendar months next after the cause of action shall have arisen, and not afterwards, and the defendant or defendants shall and may plead the general issue, and give the special matter in evidence at any trial had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if upon a verdict or demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall or may receive treble costs, and have such remedy for the same as any defendant or defendants can or may have in other cases where costs are given by law.

Judges may issue warrants for apprehending offenders prosecuted by indictment or information.

XCIX. And be it enacted and ordained, that whenever any person shall be charged with any offence against this or any Act relating to the Customs, or for which he or she may be prosecuted by indictment or information in Her Majesty's Supreme Court in New Zealand, and the same shall be made appear to any judge of the same court, by affidavit or by certificate of an information or indictment being filed against such person in the said court for such offence, it shall and may be lawful for such judge to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended, and brought before him or some other judge of the same court, or before some one of Her Majesty's justices of the peace, in order to his or her being bound to the Queen's Majesty, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the said court at the time mentioned in such warrant and to answer to all and singular indictments or informations any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such judge or justice respectively to commit such person to the common gaol, there to remain, until he or she shall become bound as aforesaid, or shall be discharged by order of the court in term time, or of one of the judges of the said court in vacation; and the recognizance to be thereupon taken shall be returned and filed in the said court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction shall have received judgment for the same, unless sooner ordered by the court to be discharged; and that where any person, either by virtue of such warrant of commitment aforesaid, or by virtue of any writ of *capias ad respondendum* issued out of the said court, is now detained, or shall hereafter be committed to and detained in any gaol for want of bail, it shall be lawful for the prosecutor of such indictment or information to cause a copy thereof to be delivered to such person, or to the gaoler, keeper, or turnkey of the gaol wherein such person is or shall be so detained, with a notice thereon endorsed, that unless such person shall, within eight days from the time of such delivery of a copy of the indictment or information as aforesaid, cause an appearance and also a plea or demurrer to be entered in the said court to such indictment or information, an appearance and the plea of not guilty will be entered thereto in the name of such person; and in case he or she shall thereupon for the space of eight days after the delivery of a copy of such indictment or information as aforesaid neglect to cause an appearance, and also a plea or demurrer to be entered in the said court to such indictment or information, it shall be lawful for the prosecutor of such indictment or information, upon affidavit being made and filed in the court of the delivery of a copy of such indictment or information, with such notice endorsed thereon as aforesaid, to such person, or to such gaoler, keeper, or turnkey, as the case may be, which affidavit may be made

before any judge or commissioner of the said court authorized to take affidavits in the said court, to cause an appearance and the plea of not guilty to be entered in the said court to such indictment or information for such person, and such proceedings shall be had thereupon as if the defendant in such indictment or information appeared and pleaded not guilty, according to the usual course of the said court; and that if upon trial of such indictment or information, any defendant so committed and detained as aforesaid shall be acquitted of all the offences therein charged upon him or her, it shall be lawful for the Judge before whom such trial shall be had to order that such defendant shall be forthwith discharged out of custody as to his or her commitment as aforesaid, and such defendant shall be thereupon discharged accordingly.

When recognizance is given, and the party shall not plead, a copy of the information or indictment may be delivered to his attorney or agent.

C. And be it enacted and ordained, that where any person shall be arrested by virtue of a warrant issued as aforesaid, and shall enter into a recognizance, and appear in the said court at the return of the said recognizance, but shall not afterwards plead to the information or indictment, it shall and may be lawful for the prosecutor of such information or indictment to cause a copy thereof to be delivered to such person, or to his or her attorney or agent, or to be left at his or her last place of abode, with a notice thereon endorsed, that unless such person shall, within eight days from the time of such delivery of a copy of the information or indictment as aforesaid, cause a plea to be entered in the said court to such information or indictment, that the prosecutor of such information or indictment will enter a plea of not guilty on his or her behalf; and that upon affidavit being made and filed in the court of the delivery of a copy of such information or indictment, with such notice endorsed thereon as aforesaid, to such person, or to his or her attorney or agent, or at his or her last place of abode, as the case may be, it shall be lawful for the prosecutor of such information or indictment to cause the plea of not guilty to be entered in the said court to such information or indictment for such person, and such proceedings shall be had thereupon as if the defendant in such information or indictment had pleaded according to the usual course of the said court.

Proof of payment of duties, or of the lawful importation of goods, to be on the owner.

CI. And be it enacted and ordained, that if any goods shall be seized for nonpayment of duties, or any other cause or forfeiture, and any dispute shall arise whether the custom duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods were brought, then and in such case the proof thereof shall be on the owner or claimer of such goods, and not on the officer who shall seize and stop the same.

Averment of certain matters to be sufficient, unless the contrary is proved.

CII. And be it enacted and ordained, that in case of any information or proceedings had under this or any other Act relating to the Customs, the averment that the collector or other principal officer of Her Majesty's Customs has directed or elected such information or proceedings to be instituted, or that any ship or vessel is foreign, or belonging wholly or in part to Her Majesty's subjects, or that any person detained or found on board any ship, vessel, or boat liable to seizure, is or is not a subject of Her Majesty, or that any person is an officer of the Customs, and where the offence is committed in any port in the said colony, the naming of such port in any information or proceedings shall be sufficient, without proof as to such fact or facts, unless the defendant in such case shall prove to the contrary.

Persons employed for prevention of smuggling to be deemed to be duly employed.

CIII. And be it enacted and ordained, that all persons employed for the prevention of smuggling under the direction of the Commissioners of Her Majesty's Customs, or the Governor of the said colony, or of any officer or officers in the service of the Customs, shall be deemed and taken to be duly employed for the prevention of smuggling, and the averment in any information or suit that such party was so duly employed, shall be sufficient proof thereof, unless the defendant in such information or suit shall prove to the contrary.

Vivâ voce evidence may be given that a party is an officer, and deemed a competent witness, although entitled to the whole or a share of the seizure, or penalty or reward, on conviction.

CIV. And be it enacted and ordained, that if upon any trial a question shall arise whether any person is an officer of the Navy on full pay, or an officer of Customs, or is duly employed for the prevention of smuggling, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary; and every such officer, and any person acting in his aid or assistance, shall be deemed a competent witness upon the trial of any suit

suit or information, on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure, or penalty, or to any reward upon the conviction of the party charged in such suit or information.

Within what time suits, indictments, or informations are to be exhibited.

CV. And be it enacted and ordained, that all suits, indictments, or informations exhibited for any offence against this or any other Act or Ordinance relating to the Customs in any of Her Majesty's courts of record or Court of Vice-Admiralty in the said colony, shall and may be had, brought, sued, or exhibited, within three years next after the date of the offence committed, and shall and may be exhibited before any one or more justice or justices of the peace within six calendar months next after the date of the offence committed.

Persons entering or clearing ships, &c. as agents, to be licensed, and give bond.

CVI. And be it enacted and ordained, that it shall not be lawful for any person to act as agent for transacting any business at the Custom-house, which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, unless authorized so to do by licence of the collector or other principal officer of Her Majesty's Customs, who is hereby empowered to require bond to be given by every person to whom such licence shall be granted, with one sufficient surety, in the sum of 200 *l.* for the faithful and honest conduct of such person, and of his clerks acting for him; and if any person shall act as such agent, not being so licensed, or if any person shall be in partnership in such agency with any person not so licensed, such person shall in either case, for every such offence, forfeit the sum of 100 *l.*: provided always, that nothing herein contained shall extend to prevent the clerk or servant of any person or persons in copartnership from transacting any business at the Custom-house on account of such person or persons without such licence, provided such clerk or servant shall not transact any such business as clerk, servant, or agent to any other person.

Agents' licences may be revoked.

CVII. And be it enacted and ordained, that it shall be lawful for the collector or other principal officer of the Customs, with the concurrence of the Governor of the said colony, by any order under his hand to revoke any such licence, and that after a copy of such order shall have been delivered to any such licensed person, or to his clerk, or left at his usual place of abode or business, such licence shall be void.

Falsifying documents, &c., penalty 200 *l.*

CVIII. And be it enacted and ordained, that if any person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing of any ship or vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or articles whatever, or shall by any false statement procure any writing or document to be made for any of such purposes, or shall falsely make any oath or affirmation required by this or any other Act for regulating the trade of the said colony, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate, knowing the same to be so forged or counterfeited, every person so offending shall for every such offence forfeit the sum of 200 *l.*; and such penalty shall and may be prosecuted, sued for, and recovered in like manner, and by such ways and means, as any penalty may be prosecuted, sued for, and recovered under the provisions and directions of this Ordinance.

(signed) *William Hobson,* Governor.

Passed the Legislative Council, the 17th day of July, in the year of our Lord 1841.

J. Coates, Clerk of Council.

SCHEDULES REFERRED TO.

(A.)

FORM of INFORMATION before Justices of the Peace where a Pecuniary Penalty is inflicted.

New Zealand, to wit. Be it remembered, that on the day of in the year of our Lord A. B., officer of Customs, who is directed by the collector or other principal officer of Her Majesty's Customs (as the case may be) to prefer this information, gives us, Esquires, two of Her Majesty's justices of the peace for the said colony, to understand and be informed, that C. D., on the day of in the year of our Lord [here state the offence], contrary to the form of the Act in that case made and provided, whereby the said C. D. hath forfeited the sum of

(B.)

FORM of CONVICTION to be used for an Offence against this Ordinance, where a Pecuniary Penalty is inflicted.

New Zealand, to wit. Be it remembered, that on the day of in the year of our Lord an information was exhibited by A. B., officer of Customs, before us, Esquires, two of Her Majesty's justices of the peace of the said colony, against C. D., which said information charged that the said C. D., on the day of in the year of our Lord [here state the offence as in the information], contrary to the form of the Ordinance in such case made and provided, which offence has been duly proved before us the said justices: we do therefore adjudge that the said C. D. hath forfeited for his said offence the sum of

Given under our hands and seals, the day of in the year of our Lord

(C.)

WARRANT OF DISTRESS.

To A. B.

New Zealand, to wit. Whereas C. D. has been duly convicted before us, Esquires, two of Her Majesty's justices of the peace of the said colony, of the offence of having [here state the offence as in the information]: And whereas the said C. D. hath forfeited for his said offence the sum of , which said sum of has not been paid: These are therefore to command you, the said A. B., to levy the said sum of by distress and sale of the goods and chattels so to be distrained, to be sold and disposed of within days after such distraint, unless the said sum of , for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid; and you, the said A. B., are hereby commanded to certify to us the said justices, on the day of next ensuing, what you shall do by virtue of this warrant.

Given under our hands and seals, at , the day of in the year of our Lord

(D.)

Form of Warrant of Commitment to Gaol for a Penalty.

New Zealand, to wit. } To A. B., Officer of Customs, and to E. F., the Gaoler or Keeper of the in the

Whereas C. D. has been duly convicted before us, Esquires, two of Her Majesty's justices of the peace for the said colony, of having [here state the offence as in the information]. And whereas we the said justices did adjudge that the said C. D. hath forfeited for his said offence the sum of ; and whereas it appears to us, the said justices, that the said C. D. has not sufficient goods or chattels whereon to levy the sum of , and which sum of has not been paid: these are therefore to require you, the said A. B., forthwith to take, carry, and convey the said C. D. to the at in the , and to deliver him into the custody of the gaoler or keeper of the said , to receive the said C. D. into his custody, and him safely to keep for the period of six calendar months, unless he shall sooner pay the said sum of or otherwise be delivered by due course of law.

Given under our hands and seals, at in the this day of in the year of our Lord

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(E.)

Warehouse Rent.

Table of Rent to be paid to the Collector of Customs on all Goods lodged in any of Her Majesty's Warehouses in New Zealand.

		£.	s.	d.
For every pipe, butt, piece, or puncheon	per week	–	–	4
Half pipe or hogshead	—	–	–	2
Barrel, quarter cask, case, or box	—	–	–	1
Seron or case of tobacco	—	–	–	1
Keg of tobacco	—	–	–	– ½
Basket ditto	—	–	–	– ¼

A Table of Duties of Customs payable on Goods, Wares, and Merchandize imported into the Colony of New Zealand and its Dependencies.

	£.	s.	d.
Spirits or Strong Waters:—For every gallon of such spirit or strong waters, of any strength not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon, viz.—			
Not being spirits or strong waters, the produce of the United Kingdom, of any British possession in America, or of New South Wales or Van Diemen's Land	–	5	–
Spirits or strong waters, the produce of the United Kingdom, of the British possessions in America, and of New South Wales and Van Diemen's Land	–	4	–
Wine, for every 100 *l.* value	15	–	–
Tobacco, unmanufactured, per lb.	–	–	9
Ditto, manufactured (except cigars and snuff)	–	1	–
Cigars and snuff	–	2	–
Tea, sugar, flour, meal, wheat, rice, and other grain and pulse, for every 100 *l.* value	5	–	–
On all other goods (except goods the produce and manufacture of the United Kingdom, or of New South Wales or Van Diemen's Land), for every 100 *l.* value	10	–	–

— No. 4. —

ANNO QUARTO ET QUINTO VICTORIÆ REGINÆ.

BY his Excellency *William Hobson*, Esq., Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, with the advice and consent of the Legislative Council thereof.

Title. "AN ORDINANCE for instituting and regulating Courts of General and Quarter Sessions, in the colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers, and determining the places at which the same shall be holden; and for repealing within the colony of New Zealand certain Acts of the Governor and Council of New South Wales, adopted and now in force within the said colony of New Zealand."

Preamble. WHEREAS it is expedient to institute and regulate courts of general quarter and petty sessions, and to consolidate the laws relating thereto in the colony of New Zealand, and to define the respective powers and authorities of the said courts; and to determine, by proper authority, the places at which the said courts shall be respectively holden; and whereas, for these purposes, it is expedient and necessary that certain acts of the Governor and Council of New South Wales should be repealed, so far as relates to the said colony of New Zealand,

New South Wales, Acts of.

I. Be it therefore enacted and ordained, by his Excellency the Governor in and over the colony of New Zealand, with the advice and consent of the Legislative Council of the said colony, that a certain Act of the Governor and

10 Geo. 4, No. 7. Council of New South Wales, passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for instituting and regulating Courts of General and Quarter Sessions in New South Wales," and a certain other Act of the said Governor and Council of New South Wales,

3 Wm. 4, No. 3. passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act to consolidate and amend the Laws for the Transportation and Punishment of Offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions and of Petty Sessions; and for determining the places at which the same shall be holden, and for better regulating the summary jurisdiction of Justices of the Peace; and for repealing certain Laws and Ordinances relating thereto;" and a certain other

4 Wm. 4, No. 16. Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of his said late Majesty King William the Fourth, intituled, "An Act to amend an Act of the Governor and Council, intituled, 'An Act for instituting Courts of General and Quarter Sessions in New South Wales,'" and a certain other Act of the said Governor and Council of New South Wales,

3 Vict. No. 10. passed in the third year of the reign of Her present Majesty, intituled, "An Act to alter and improve the mode of electing a Chairman for the Courts of General and Quarter Sessions in New South Wales;" and a certain other Act of

4 Vict. No. 22. the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said Majesty, intituled, "An Act to provide for the more effectual administration of Justice in New South Wales and its Dependencies;" and also a certain other Act of the said Governor and Council of New South

4 Vict. No. 28. Wales, made and passed in the fourth year of Her said present Majesty's reign, intituled, "An Act to provide for the Trial by Jury in Civil and Criminal Cases, in the Circuit and other Courts to be holden within the colony of New South Wales and its Dependencies;" all which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said colony

Repealed so far as regards New Zealand. of New Zealand, shall, from and after passing of this Ordinance, be, and the same are hereby repealed, so far as regards the said colony of New Zealand.

II. And

II. And be it further enacted and ordained, that courts of general and quarter sessions for the colony of New Zealand shall be holden in and for the said colony at the following places; that is to say, at Auckland, Port Nicholson, Russell, and at such other places within the said colony, and at such times respectively, as the Governor for the time being, by any proclamation to be duly issued for that purpose, shall from time to time appoint, and at no other place whatsoever.

Courts of general and quarter sessions to be holden for the colony of New Zealand, at Auckland, Port Nicholson, and Russell, and such other places, and at such times as the Governor, by any proclamation, shall appoint.

III. And be it further enacted and ordained, that the said courts of general and quarter sessions shall have full power and authority to take cognizance of all matters and things cognizable in courts of general and quarter sessions in England, so far as the circumstances and conditions of the said colony of New Zealand shall require and admit.

Powers of such courts.

IV. And be it further enacted and ordained, that the said courts of general and quarter sessions, when and as the same shall be established throughout the said colony of New Zealand, shall or lawfully may, from time to time, make and prescribe all such rules and forms, practice, proceeding, and process for the conduct and despatch of business therein respectively, as to such courts shall seem proper; and the same from time to time shall or may revoke, alter, or vary, as occasion shall or may require; provided always, that a copy of every such rule and form so made and prescribed shall, within two months next following the making thereof, be transmitted by the clerk of the peace acting at or in such court, to the judge or judges of the Supreme Court of New Zealand, or in the non-appointment or absence of such judge or judges, to such other person or persons as the Governor of the said colony may appoint, who shall have power to approve, revoke, or alter the same, as to him or them shall seem expedient: provided that until so revoked or altered by the judge or judges, or such other person or persons as aforesaid, the said rules and forms shall and may be acted upon in the said courts.

Courts to have power to make rules, forms, practice, proceeding, and process for the conduct and despatch of business. A copy thereof to be transmitted to the judge or judges of the Supreme Court of New Zealand, who may revoke or alter the same.

Rules may be acted upon until so revoked or altered.

V. And be it further enacted and ordained, that until the Governor of New Zealand for the time being, with the advice and consent of the Legislative Council thereof, shall extend and apply the form and manner of proceeding by grand jury in the presentment of all crimes, misdemeanors, issues, matters, and things, and until further provision be made therein, all crimes, misdemeanors, and offences cognizable in the said courts of general and quarter sessions within the said colony of New Zealand, shall be prosecuted in the name of Her Majesty's Attorney-general for the said colony, or in the name of such other officer as the Governor for the time being of the said colony shall for such purpose duly appoint; and all issues of fact joined on every such information shall be tried before and at the said courts of general and quarter sessions by a jury of twelve of the inhabitants of the said colony.

Until grand jury appointed or further provision made, all crimes, misdemeanors, and offences cognizable at courts of general and quarter sessions, to be prosecuted in the name of Her Majesty's Attorney-general or other officer appointed by the Governor for that purpose, and tried by a jury of 12 inhabitants.

VI. And be it further enacted and ordained, that every man (except as hereinafter excepted) between the ages of 21 and 60 years, residing within 50 miles of each of the towns appointed, or hereafter to be appointed, as places at which such courts of general and quarter sessions shall be holden under this Ordinance, and who shall have resided in the said colony for at least six months, and who shall be of good fame and character, shall be qualified and liable to serve on juries for the trials of crimes, offences, and misdemeanors, and of all such issues joined in the said courts of general and quarter sessions as aforesaid.

Qualification of jurors.

VII. And be it further enacted and ordained, that the following persons shall not be liable (except by and with their own consent) to serve upon any jury, at the said general and quarter sessions as aforesaid, that is to say: all the Judges of the Supreme Court, Commissioners of the Courts of Requests, Chairman of the Courts of Sessions, and all ministerial officers of the said courts respectively, all members of the Executive or Legislative Councils, and Justices of the Peace; all persons holding offices under the department of Customs, all clergymen in holy orders, priests of the Roman-catholic faith, and dissenting ministers, duly licensed as such; all barristers, attornies, and solicitors, duly admitted to practise and actually practising in the Supreme Court, or in the said courts of general and quarter sessions; coroners and gaolers, physicians, surgeons, and apothecaries, in actual practice; all military and naval officers on full pay, licensed

Exemptions.

pilots, and masters of vessels actually employed in the service of the Crown; sheriff's officers, stipendiary constables, or peace officers, schoolmasters, and parish clerks; provided that each of such persons shall, either by themselves or agent, claim such exemption at each special petty sessions for revising the lists.

Disqualifications.

VIII. And be enacted, ordained, and declared, that the following persons shall not be qualified to serve on any such jury as aforesaid, that is to say, every man not being a natural-born or naturalized subject of the Queen; and every man who hath been, or shall be attainted of any treason or felony, or convicted of any crime that is infamous (unless he shall have received for such crime a pardon, or shall be under the benefit and protection of some Act of Parliament, having the force and effect of a pardon under the Great Seal for such crime,) and every man of bad fame, or of dishonest life or conduct, or of immoral character or repute.

Governor may appoint courts of petty sessions.

IX. And be it further enacted and ordained, that it shall and may be lawful for the Governor for the time being, by any notice published in the New Zealand Government Gazette, to appoint places at which petty sessions shall be holden, and to nominate one fit and proper person to be clerk to every such petty sessions, who shall attend at the place for which he shall be nominated; and that

Two or more Justices in petty sessions to have the same powers as benches of magistrates.

any two or more of Her Majesty's justices assigned to keep the peace, assembled and sitting in open court, at any such place so appointed in manner aforesaid (such court not being a court of general or quarter sessions as aforesaid), shall be deemed to be, and shall be a court of petty sessions; and every such court of petty sessions shall have and exercise all the powers and authorities, and perform all the duties which, in and by any Act or Ordinance now or hereafter to be in force within the said colony of New Zealand, are given and required to be performed by benches of magistrates and clerks of the bench.

Power for justices at petty sessions to adjourn the courts to other places in their districts.

Provided always, and be it further enacted and ordained, that it shall and may be lawful for the justices in each and every of such courts of petty sessions assembled, when and as often as they shall deem the state of business in their respective districts to require the holding of a petty sessions of the peace at a place other than the one appointed under this Ordinance, to adjourn such court of petty sessions to any place or places within their said district, not exceeding 20 miles from the place appointed by the Governor under this Ordinance, which adjournment shall be publicly notified as such justices shall direct: and any two

Two or more justices may assemble and form the adjourned court of petty sessions.

or more justices of the peace acting within and for the said colony of New Zealand, shall and may assemble at such adjourned petty sessions, on the day and at the place appointed, and shall form the adjourned court of petty sessions at such place, and shall and may hear and determine such business as shall come before them, and all proceedings had by and before any two or more justices of

All proceedings valid,

the peace so assembled at such adjourned petty sessions, shall be as good and effectual in the law to all intents and purposes as if the same were had before the court of petty sessions assembled and sitting at its usual and ordinary place

and to be recorded.

appointed under this Ordinance; and the proceedings of such adjourned courts of petty sessions shall be entered on the registry or record hereinafter mentioned.

Power for the governor to appoint visiting justices for distant parts of the colony.

Speedily.

X. And whereas there are in various remote parts of the said colony divers whaling and other fishing establishments, and other settlements and places of business, in or near which justice can only be well and speedily administered by visiting justices of the peace: be it therefore further enacted and ordained, that it shall and may be lawful for the Governor for the time being, from time to time, and as often as he shall think proper, to nominate and appoint two or more justices of the peace of the said colony to visit and perambulate in all or any of the districts thereof: and such visiting justices shall and may proceed at any place or places (except where petty sessions are appointed to be holden as aforesaid, or within 20 miles thereof,) to hear and determine all matters and business cognizable by and before two justices, and to have, act upon, and possess all the powers and authorities of a court of petty sessions under this Ordinance; and the proceedings of such visiting justices shall be entered in a registry or record thereof, to be transmitted by such justices to such court of petty sessions as the Governor for the time being shall direct.

XI. And

Preparation of jury list.

XI. And be it further enacted and ordained, that the justices in special sessions assembled shall in the first week of the month of July in this present year, or as soon thereafter as can be, and in the first week of the month of January in every succeeding year, prepare, or cause to be prepared, lists of all men of good fame and character within their respective townships or districts, liable to serve on the said juries, setting forth their Christian and surnames, residences, titles, additions, and qualifications, according to the form annexed to this Ordinance in Schedule (A.) And the said justices, or any two or more of them so assembled as aforesaid, shall subscribe the said lists with a declaration that such list contains, to the best of their knowledge and belief, the names of all persons liable to serve on juries in the district for which it is made, under this Ordinance.

List to be affixed for publication and inspection.

XII. And be it further enacted and ordained, that the said justices in petty sessions shall cause a copy of the lists which shall be made out as aforesaid to be, within three days after the same shall be prepared, affixed in such place or places as they shall deem best calculated for the publication and inspection thereof, with a notice signed by such justices so assembled as aforesaid, or any two of them, that the justices of the peace acting in and for the said towns and districts respectively will assemble and hear at the then next petty sessions directed to be held for that purpose, as hereinafter mentioned, all objections to the said lists: provided always, that the said justices shall cause the clerk to every petty sessions to keep the said original lists, or copies of the same, at the police-office, or other place where such petty sessions shall be generally held, to which the inhabitants of the said towns or districts respectively shall have access at any reasonable time within 14 days after the date of such notice, without fee, in order that due notice may be given of names improperly omitted or inserted.

Special petty sessions to be holden for correcting the lists.

XIII. And be it further enacted and ordained, that special petty sessions shall be holden in the third week of the month of August in this year, and in the third week of the month of January in every succeeding year, in each of the said towns or districts at which the said justices of the peace residing at or acting within such towns or districts respectively shall attend; and the lists so prepared and verified as aforesaid shall be thereupon produced, and the justices so assembled shall examine such lists seriatim, and shall strike out of such lists the names of all persons, at the instance or application of such persons, not liable to serve or disqualified from serving as jurors, and also of such as are disabled by lunacy, (or inability of mind), deafness, blindness, or other permanent infirmity, and shall insert all names improperly omitted, and correct all errors and mistakes in such lists; and the said justices shall, within two days after the meeting of such petty sessions, cause notice in writing to be given by the clerk of petty sessions to the parties who may be affected by such omissions, insertions, or corrections, and require them respectively, on a day certain, to show cause, if any they may have, against the same; and the said justices shall fix a day, not being more than six days after such notice, for hearing the said parties, and the justices then assembled, or any two of them, shall then finally settle the said lists; and the same when so settled shall be final, and shall continue in force until the jury lists for the year next ensuing shall be made out and transmitted to the sheriff or deputy sheriff, as hereinafter is directed.

All justices may assist and vote at such sessions.

Justices to elect a chairman at each petty sessions.

Who is to have a casting vote in case of equality.

Vote by ballot.

XIV. And be it further enacted and ordained, that it shall and may be lawful for every justice of the peace present at such petty sessions to assist and vote therein upon all questions which may be put respecting the character, qualification, disqualification, or exemption of every person named in such list, or of every person whose name may be proposed to be added thereto: provided that the justices so assembled at each petty session as aforesaid shall, and they are hereby required, before proceeding to make out or examine and settle such jury list as aforesaid, to elect, by a majority of voices, one of the said justices so present to be chairman at such petty sessions, and such chairman shall have as well a deliberative as a casting vote, in case of equality in numbers: provided always, that if any question shall arise respecting the striking out or adding of a name, the same shall be decided by ballot.

Certificate to be subjoined to lists.

XV. And be it enacted and ordained, that after the said lists shall have been finally settled and approved in petty sessions, in manner as aforesaid, a certificate shall be subjoined to each such list, and subscribed by each justice there present,

stating that the same has been carefully examined and corrected, according to the best of the knowledge and belief of the justices then present, and that all persons then named in such lists are qualified to serve on juries according to the provisions of this Ordinance.

Magistrates in each district to be summoned to petty sessions.

XVI. And be it enacted and ordained, that the clerks of petty sessions shall cause all magistrates of their districts respectively to be especially summoned to attend each of the said special petty sessions, and the justices there assembled shall sit *de die in diem* until the jury lists shall be settled, as hereinbefore directed; and if any magistrate after having been so summoned shall neglect or fail to attend at any such special petty sessions, or if attending, shall refuse or fail to vote accordingly upon any question that shall be put, every such magistrate so neglecting or failing to attend, or so refusing or failing to vote, unless he can show reasonable cause, shall forfeit and pay for every such offence the sum of 20*l.*, to be sued for, recovered, and appropriated as hereinafter is directed; and the clerks of the petty sessions respectively shall note the names of all such magistrates as shall attend the said special petty sessions, and as shall be absent from the same, from day to day, and at the close of the said sessions shall transmit a certified list thereof to the Attorney-general.

Twenty pounds penalty for non-attendance.

Clerks of petty sessions to make report of absentees, to the Attorney-general.

Jury lists to be transmitted to the sheriff, to be entered in a book.

XVII. And be it further enacted and ordained, that as soon as the said jury lists shall be settled as aforesaid, the same shall immediately be transmitted by the said justices to the sheriff of the colony, or deputy sheriff of the district, as the case may be; and each deputy sheriff, upon receiving the lists of jurors within his district, shall, within five days after the receipt therof, in each and every year, cause the same to be transcribed fairly in a book, to be kept in his office, and forthwith transmit the original lists to the sheriff, and the sheriff upon receiving the original lists, as well from the justices as from the deputy sheriff, shall, within ten days after the receipt thereof, in each and every year, cause the same to be transcribed fairly in a book to be kept in his office, and such book shall be styled, "The Jurors' Book," and shall contain the names of all persons mentioned and contained in such lists respectively, with the addition of their respective titles and qualifications in alphabetical order, beginning, under each letter of the alphabet, with the surname of each person; and such jurors' book shall thereupon be and continue in force until the jury lists for the year ensuing shall be transcribed by the sheriff and deputy sheriff into the jurors' book of that year.

Copies to be sent to the clerks of the peace.

XVIII. And be it further enacted and ordained, that true and faithful copies of the said jurors' book shall be made and certified by the said sheriff, in each and every year, as soon as conveniently may be, and shall be delivered by the said sheriff to each clerk of the peace for the said courts of general and quarter sessions, in order that the same may be referred to in the said courts respectively, at the trial of every issue, as aforesaid.

Chairman to be appointed by the Governor.

XIX. And be it further enacted and ordained, that it shall and may be lawful for the Governor of the said colony, and he is hereby authorized and empowered, as often as he shall see fit, to nominate and appoint for each such general and quarter sessions as aforesaid some fit and proper person, being a justice of the peace, to act as the chairman thereof; and in case no such nomination and appointment shall have taken place, or in the occasional absence of any such person so nominated and appointed to act as chairman as aforesaid, the justices assembled at any such general and quarter sessions shall nominate and appoint, by a majority of votes, from amongst themselves, a justice qualified to act as chairman; and the person or persons so respectively nominated and appointed by the said Governor to act as chairman of such courts of general and quarter sessions respectively, or the person so elected under the circumstances as aforesaid, shall have and exercise such and the same power, authority, and jurisdiction as a chairman of general and quarter sessions in England.

In case no such appointment, or in absence of such chairman, the justices at sessions to appoint chairman.

Chairman to issue precept for summoning jurors.

XX. And be it further enacted and ordained, that fourteen days before the first general and quarter sessions shall be held under this Ordinance, it shall be lawful for any two of the justices of the peace of the said colony, and at each of the future general and quarter sessions aforesaid, for the chairman thereof, and they and he are and is hereby authorized and required to issue a precept, under the hand and seal of each of such justices, and afterwards of such chairman,

to

to the sheriff of New Zealand, or deputy sheriff aforesaid, requiring him to summon so many jurors to attend at the next following court of general and quarter sessions for each district, at such time and place as shall be therein mentioned and appointed; and such precept shall not require more than 40, nor less than 24 persons duly qualified to serve as jurors to attend the said court at any one session thereof.

Jurors to be summoned in alphabetical order.

XXI. And to the end that all persons liable to serve on any juries as aforesaid, may bear an equal share of the public duty imposed upon them, be it further enacted and ordained, that as often as any such precept as aforesaid shall be delivered to the said sheriff or deputy sheriff, requiring him to summon jurors for the trial of such issues as aforesaid, the sheriff or deputy sheriff shall, and he is hereby required to summon so many persons, duly qualified as aforesaid, to serve as jurors, and who shall reside within the distance of 50 miles, to attend the said court of general and quarter sessions, at such time and place as shall be specified in such precept, according to the alphabetical order in which such names shall successively be placed, until every such person shall have been summoned in his turn; and in case any such person shall make default, every such defaulter shall be summoned a second time, or oftener, until he shall have served for such default or defaults; and such order shall be observed in each succeeding year, the sheriff or deputy sheriff beginning with the names in the new book next after the names of the persons in the last book who were last summoned to attend such juries as aforesaid: provided always, that every such precept shall be issued and delivered to the sheriff or deputy sheriff, in this present year, at least 20 clear days, and in each succeeding year at least two months, before the attendance of such jurors shall be required, and every such summons shall be in writing, and signed by the sheriff or deputy sheriff, to the following effect:

Precept to be delivered to sheriff two months before attendance of jurors required.

Form of summons.

Mr. A. B. (naming the juror) you are hereby required to appear as a juror at the court of general quarter sessions, to be holden on the day of next, and there to attend from day to day, until you are discharged by the said court. And hereof fail not at your peril.

(signed) *C. D.*, Sheriff, or Deputy Sheriff.

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Service personally, or left at abode 10 clear days before attendance required.

And the said summons shall be served personally upon, or left at the place of abode of the said jurors respectively, full 10 clear days before their attendance shall be required, as aforesaid.

Penalties for jurors not attending when summoned.

XXII. And be it further enacted and ordained, that if any person being duly summoned to attend any general and quarter sessions as aforesaid, shall make default, and fail to attend the same, such person shall, upon proof on oath of having been duly summoned as aforesaid, be fined, and forfeit a sum of not more than 10*l.*, at the discretion of the justices sitting in the said courts, to be sued for, recovered, and appropriated as hereinafter directed, unless some just cause for such defaulter's absence shall be made to appear by oath or affidavit.

Names of jurors to be drawn from a box.

XXIII. And be it further enacted and ordained, that at the sitting of the said courts for the trial of any such issue as aforesaid, the name, condition, and place of abode of each juror summoned as aforesaid shall be written on a separate piece of card or paper, and put into a box, and when such issue is called on to be tried, the clerk of the peace, or other ministerial officer of the said court, shall, in open court, draw therefrom until twelve men appear, who are not objected to or challenged; and after the trial such names shall be returned into the box, to be kept with the other undrawn names, and so, *toties quoties*, as long as any issue remains to be tried.

Talesmen.

XXIV. And be it further enacted and ordained, that when any issue so to be tried by such a jury be called on, and a sufficient number of jurors summoned to attend such court shall not be in attendance, it shall be competent for the Attorney-general, or such other person prosecuting as aforesaid, or for the party in whose case such issue is about to be tried as aforesaid, to pray a tales; and the court may then command the sheriff, or deputy sheriff, forthwith to summon,

vivâ voce, as many good and lawful men of the by-standers as shall be sufficient to make up a full jury for the trial of such issue as aforesaid.

Allowance to jurors.

XXV. And be it further enacted and ordained, that every juror who shall attend at any general and quarter sessions as aforesaid, being duly summoned, shall be entitled to receive for every day during his attendance, a compensation for his expenses at and after the following rates; that is to say, if such person shall reside within the town or place in which such court shall be holden, or within five miles thereof, the sum of 3*s.* for every day such juror shall attend the said court; and if such juror shall reside at the distance of more than five miles, the sum of 5 *s.* for every day such juror shall be so in attendance, and the further sum of 6 *d.* per mile for every mile he shall travel for that purpose; and the clerk of the peace, or other ministerial officer of the said courts respectively, shall keep an account of the number of days each juror shall duly attend the court, and after the expiration of the time appointed by the court for the attendance of such jurors respectively, the said clerk, or other proper officer, shall thereupon pay to such juror the sum of money to which he may be entitled.

Fines or penalties for neglect of duty or influencing jurors.

XXVI. And be it further enacted and ordained, that any sheriff, or deputy-sheriff, justice of the peace, clerk of the peace, or any other ministerial or other officer, who shall refuse, neglect, or fail to do and perform all and every the acts, matters, and things hereby required to be by him or them respectively done and performed, shall forfeit for every such offence a sum not exceeding 50 *l.*, at the discretion of the court; and if any person shall be guilty of the offence of corrupting or influencing, or attempting to corrupt or influence, any such juror, or any such juror shall consent thereto, every such person so offending shall incur and become liable to, and may be punished with fine and imprisonment, on proof being adduced before the court.

Penalties, fines, and forfeitures to be recovered, &c. as after directed.

XXVII. And be it further enacted and ordained, that all penalties, fines, and forfeitures incurred or imposed under and by virtue of this Ordinance, shall be recovered, levied, enforced, and applied in the form and manner hereafter directed.

A registry of all acts and proceedings to be kept.

XXVIII. And be it further enacted and ordained, that a registry or record in writing shall be kept by each and every clerk of petty sessions of all acts or orders and proceedings done at such petty sessions whether in civil or criminal cases, in the manner and form set forth in the Schedule (B.) to this Ordinance annexed, such registry or record to be signed on each day on which such petty sessions shall be holden by all the justices present; and that no summons, warrant, conviction, committal, information, recognizance, or any other magisterial act, or order of any kind, be issued or signed at such petty sessions without the making an entry thereof in the said registry or record.

Warrant, &c. at petty sessions to be signed by two justices.
No summons, &c. to be signed unless blanks filled up.

XXIX. And be it further enacted and ordained, that every warrant, information, conviction, committal, recognizance, or order of the justices at petty sessions, shall be signed by two justices, at the least, and not by any one person, as chairman, and on the behalf of others; and that no summons, warrant, or order be signed by any justice or justices of the peace, unless the blanks in the same shall have been first duly filled up.

Justices at petty sessions may determine cases, although complaint made before other justices.

XXX. And be it further enacted and ordained, that it shall and may be lawful to and for any justices at petty sessions to hear and proceed with, and determine upon, any case in which such justices have jurisdiction, although the complaint may have been received, and the summons or warrant for the same issued, by any other justice acting singly, or by any other justices, at a previous meeting of such petty sessions, in such and the like manner as if the first complaint was made, and the summons or warrant issued by the same justices before whom the subsequent proceedings were had and taken.

Entry to be made of all cases where a single justice acts.

XXXI. And be it further enacted and ordained, that in all cases in which it becomes necessary for a single justice to act magisterially, not being in petty sessions (save and except in the issue of summonses), such magistrates do report such case, together with the informations taken, or recognizances acknowledged, to the petty sessions then next ensuing, to be holden for the district in which such case had arisen; and that a particular entry be made in the registry or record of such petty sessions of every such case.

XXXII. And

Copies of such registry and original informations, depositions, &c. taken at petty sessions to be transmitted to Attorney-general.

XXXII. And be it further enacted and ordained, that copies of the said registry or record, and of all depositions and other evidence taken in relation thereto, and all original informations, depositions, and other evidence and proceedings in every and any criminal case heard, sworn, taken, and entered into before the said courts of petty sessions, or transmitted thereto, together with the recognizances therein, shall once in every month, at the least, be transmitted to the Attorney-general of the said colony of New Zealand, or other law-officer of the Crown, duly appointed for that purpose.

Further preamble.

Clerks of petty sessions of police and other magistrates acting singly, may demand certain fees.

XXXIII. And whereas it is expedient that certain fees should be taken at the several petty sessions, by the clerks thereof, and by clerks of police, and other magistrates acting singly or with each other within the said colony of New Zealand, and that the same fees should be ascertained and fixed; be it therefore further enacted and ordained, that from and after the passing of this Ordinance, the said clerks respectively shall and may demand, receive, and take the several fees specified in the Schedule (C.) hereunto annexed, for the business and services therein stated, and by them performed; and if at any time hereafter, any such clerk, or any person acting as such, shall, under pretence of any matter or thing done, transacted, or performed by such clerk, or person acting as such, demand or receive any other or greater fee than such as are specified and set forth in the said Schedule (C.), he shall for every such offence forfeit and pay a penalty not exceeding the sum of 5 *l.*, to be recovered in a summary way before any one of the said justices of the peace; and that it shall be lawful for any justice of the peace, acting within the said colony, to refuse to do any act for which any of the said fees shall be demandable, unless such fees shall be first paid; and that if any such act shall be done, and the fee thereon due shall not be immediately paid on demand, it shall be lawful for any justice of the peace to summon the person from whom such fee shall be due, and to make order for payment of the same, with the costs of the proceedings, and in default of payment, to levy the same with costs of the distress by warrant under his hand and seal.

Clerks demanding a larger fee than specified to be fined, not exceeding 5 *l.*

Mode of enforcing and recovering fees.

A printed table of fees to be affixed in every court-house, &c.

Clerks to justices acting singly to produce similar printed tables of fees, or liable to fine.

Such penalties only recoverable on complaint within one calendar month.

XXXIV. And be it further enacted and ordained, that a printed table of the said fees shall be affixed or posted up in a conspicuous part within every court-house or public justice-room, or other place wherein such petty sessions are holden; and the said clerks to each and every justice acting singly as aforesaid shall produce and show, if required, to the person requiring to see the same, a printed table of the said fees; and every such clerk who shall neglect or refuse to show and produce such printed table, on being reasonably required so to do, shall forfeit and pay the sum of 10*s.* for every such offence, to be recovered in a summary way before any one justice of the peace: provided always, that the penalties herein imposed, so far as relates to the duties of such clerks, shall not be recoverable unless upon complaint thereof made within one calendar month next after the alleged commission of the offence.

Clerks to make a return once in every month to petty sessions of all fees, &c.

Return to be sent to colonial treasurer.

Clerks to pay to treasurer amount of such fees.

XXXV. And be it further enacted and ordained, that the several clerks of petty sessions of police and other magistrates, acting singly or out of sessions, shall once in every month make a return in the form in Schedule (D.) hereunto annexed, to the courts of petty sessions of each district respectively, of all fees received by them in their offices or places for business, or services done and performed therein, such return to be signed and sworn to by them; and such return, after being copied and entered in such registry or record as aforesaid, shall be transmitted in duplicate as the voucher of their several accounts, by and under the order of the said justices in petty sessions assembled, to the colonial treasurer of the said colony of New Zealand; and such clerks shall forthwith transmit and pay to the said colonial treasurer the full amount of all such fees, to be appropriated and applied to the public uses of the said colony, and in the support of the government thereof, and such clerk shall enter the colonial treasurer's receipt for such fees in the registry or record.

Further preamble.

XXXVI. And whereas in order to avoid doubts and difficulties which might arise as to the recovery and application of all penalties, forfeitures or fines, and the enforcement of forfeited recognizances imposed and entered into by and before any justice or justices of the peace acting as such within and for the said colony of New Zealand, it is expedient to make special provision in that

Notice to be given to persons entering into recognizances and the sureties.

behalf, adapted to the present circumstances of the colony; be it therefore further enacted and ordained, that each and every justice of the peace before whom any recognizance shall be entered into or taken, shall and is hereby required to give, at the time of taking such recognizance, to the person or persons, surety or sureties, so entering into the same, and to each of them, a written paper or notice in the form or to the effect stated in the Schedule (E.) to this Ordinance annexed, adapting the same to the particular circumstances of the case; and each such justice shall in such recognizance state and particularly specify not only the profession, art, mystery or trade of every person so entering into such recognizance, together with his christian name and surname, but also his place of residence.

Statements of fines, &c. to be forwarded to the clerk of the peace by the justice by whom the same is imposed.

XXXVII. And be it further enacted and ordained, that from and after the passing of this Ordinance, all fines, issues, amerciaments, forfeited recognizances, sum and sums of money, paid or to be paid in lieu or satisfaction of them or any of them (save and except the same are or shall be by virtue of any Act or Acts of the Parliament of Great Britain, or of the Governor and Council of the said colony of New Zealand for the time being lawfully constituted, directed to be otherwise levied, recovered, appropriated or disposed of), which already are or hereafter shall be set, imposed, lost or forfeited, by or before any justice or justices of the peace of New Zealand, shall be and are hereby required to be certified by the justice or justices of the peace by or before whom any such fines, issues, amerciaments, forfeited recognizances, sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them, shall be set, imposed, lost or forfeited to the clerk of the peace acting for the nearest county, district or place in the said colony; and such certificate shall contain the names and residences, trade, profession or calling of the parties, the amount of the sum forfeited by each respectively, and the cause of each forfeiture, and be signed by such justice or justices of the peace, and forwarded to the said clerk of the peace once in each month; and such clerk of the peace shall copy on a roll such fines, issues, amerciaments, forfeited recognizances, sum or sums of money paid or to be paid in lieu of them or any of them, together with all fines, issues, amerciaments, forfeited recognizances, sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them, imposed or forfeited at the court of general or quarter sessions, and shall, within such time as shall be fixed and determined by such court, not exceeding one month after the adjournment or termination of such court, send a copy of such roll, with a writ according to the form and effect in the Schedule (F.) to this Ordinance annexed, to the sheriff of the colony, or to any sheriff or other officer who shall at the time being have lawful execution of process in the county, district or place; and the same roll and writ shall be the authority to such sheriff or other officer as aforesaid, for proceeding to the immediate levying and recovering of all such fines, issues, amerciaments, forfeited recognizances, sum or sums of money paid or to be paid in lieu or satisfaction of them or any of them, on the goods and chattels of such several persons, or for taking into custody the bodies of such persons, in case sufficient goods and chattels shall not be found whereon distress or levy can be made for recovery thereof; and every person so taken shall be lodged in the common gaol until the next general or quarter sessions of the peace, there to abide the judgment of the court.

Clerk of the peace to copy on a roll such fines, &c., together with fines, &c. at quarter sessions, and send copy to sheriff with writ to levy on goods, &c., or arrest of person.

Clerk of the peace to prepare lists of defaulters bound by recognizance to appear, and lay them before the chairman and justices of the quarter sessions, or any two justices, without whose order, clerk of the peace shall not estreat, or put in process, any such recognizance.

XXXVIII. Provided nevertheless, and be it enacted and ordained, that in every case in which any person bound by recognizance for his or her appearance, or for whose appearance any other person shall be bound to prosecute or give evidence in any case of felony or misdemeanor, or to answer for any common assault, or to articles of the peace, shall therein make default, the clerk of the peace shall, and he is hereby required to prepare a list in writing, specifying the name of every person so making default, and the nature of the offence in respect of which every such person, or his or her surety, was so bound, together with the residence, trade, profession, or calling of every such person or surety, and shall in such lists distinguish the principals from the sureties, and shall state the cause, if known, why each person has not appeared, and whether, by reason of the non-appearance of such person, the ends of justice have been defeated or delayed, and every such clerk of the peace shall, before any such recognizance shall be estreated, lay such list before the chairman, or two other justices

justices of the peace who shall have attended such courts, who are respectively required to examine such list, and to make such order touching the estreating or putting in process any such recognizance as shall appear to them respectively to be just; and it shall not be lawful for the said clerk of the peace to estreat or put in process any such recognizance without the written order of the chairman, or two justices of the peace, before whom respectively such lists shall have been laid.

Clerk of the peace to make oath to all fines, &c. which shall be paid.

XXXIX. And be it enacted and ordained, that the clerk of the peace shall, before he deliver the roll to the sheriff or other officer as aforesaid, containing the fines, issues, amerciaments, forfeited recognizances, sum and sums of money paid or to be paid in lieu or satisfaction of them or any of them, and he is hereby required to make oath before any justice of the peace of the county, district or place for which such clerk of the peace shall act, which oath shall be endorsed on the back of the writ, or of the said roll attached thereto, such clerk of the peace stating therein all such fines, issues, amerciaments, forfeited recognizances, sum or sums of money which shall have been paid or otherwise accounted for, and such oath shall be made in the form following: "I make oath, that this bill is truly and carefully made up and examined, and that all fines, issues, amerciaments, recognizances and forfeitures which were set, imposed or forfeited, and in right and due course of law ought to be levied and paid, are to the best of my knowledge and understanding inserted in the said roll, with the exception of such as are now under reference to the chairman of quarter sessions, upon a list submitted to him by me according to law, as yet undetermined; and in the said roll are also contained and expressed all such fines as have been paid to or received by me, either in court or otherwise, without any wilful or fraudulent discharge, omission, misnomer or defect whatsoever. 'So help me God.' Sworn at in the colony of New Zealand, this day of A.D. 184 ."

Form of oath.

Persons may appeal to quarter sessions against fines, &c. upon giving security.

XL. Provided always, and be it further enacted and ordained, that if any person upon whose goods and chattels such sheriff or other officer as aforesaid shall be authorized to levy any such forfeited recognizance or sum of money to be paid in lieu or satisfaction thereof, shall give security to the said sheriff or other officer as aforesaid for his appearance at the next general or quarter sessions, then and there to abide the decision of the court, and also to pay such forfeited recognizance, or sum of money to be paid in lieu or satisfaction thereof, together with all such expenses as shall be ordered and adjudged by the said court, it shall be lawful for the said sheriff or other officer as aforesaid, and he is hereby authorized and required to suspend the execution of the writ, and discharge such person so giving security out of custody; provided always, that, in case such party so giving security shall not appear in pursuance of his undertaking, it shall and may be lawful for the sheriff or other officer as aforesaid to put the said writ so suspended into execution, and for the said court of general or quarter sessions forthwith to issue a writ of distringas and capias or fieri facias and capias against the sureties of the person so bound as aforesaid.

Justices at quarter sessions to hear and determine appeals.

XLI. And be it further enacted and ordained, that the court of general and quarter sessions before whom any person so committed to gaol or bound to appear shall be brought is hereby authorized and required to inquire into the circumstances of the case, and shall at its discretion be empowered to order the discharge of the whole of the forfeited recognizance or sum of money to be paid in lieu or satisfaction thereof, or of any part thereof, and such order shall be made in the form, or to the effect of the Schedule marked (G.) to this Ordinance annexed, and shall be signed by the clerk of the peace, which said order shall be a discharge to such sheriff or other officer as aforesaid, on the passing of his accounts before any auditor or other proper officer duly authorized to pass the same; and it shall and may be lawful for the said court of general or quarter sessions to award such costs, charges and expenses to be paid by either party to the other as to the said court shall seem just and reasonable.

Court may award costs.

Justices in sessions may insert in following rolls all such fines, &c. as have not been levied or accounted

XLII. And be it further enacted and ordained, that it shall be lawful for the justices assembled at any general or quarter sessions of the peace, and they are hereby authorized and required, at the following or any subsequent general or quarter sessions, to insert or cause to be inserted in any following roll all such fines, issues, amerciaments, forfeited recognizances, sum or sums of money to be

for by the sheriff, &c., or that have not been discharged.

be paid in lieu or satisfaction of them, or any of them, which have not been duly levied or recovered, or properly accounted for by the sheriff or other officer, or have not been discharged on appeal before the general or quarter sessions, or by warrant or authority of his Excellency the Governor or other officer having lawful authority for the time being to remit or dispense with the enforcement of debts due to the Crown in New Zealand and its dependencies, and so to continue such process from session to session, till it shall be duly ascertained that the party in default has not any goods or chattels, lands or tenements, upon which a levy can be made, and that he is not to be found, or that his body cannot be lodged in any of Her Majesty's gaols; provided always, that the said sheriff or other officer to whom the writ of distringas and capias or fieri facias, or other writ deemed necessary by the justices at any such general or quarter sessions to meet the exigency of the case shall be sent by order of the said court, shall keep and detain in his possession the writ or writs so directed to him, and the roll or rolls attached to such writ or writs, delivering to the said court of general or quarter sessions a copy of such roll or rolls on the first day of the sitting of the said court, and also a copy of any former roll or rolls where the fines, amerciaments, forfeited recognizances, sum or sums of money paid or to be paid in lieu or satisfaction of them, or any of them, shall not have been delivered, and such original writ and roll, or writs and rolls, shall continue in force and effect, and shall be sufficient authority without any further writ or roll: And such sheriff or other officer is hereby required, in the event of quitting his office, or the division of the territory or district over which his office shall extend, to deliver over to his successor, or to his successors in any particular district, county, or division of territory, as the case may be, all rolls and writs in his possession relating to the office or duty of any such successor, particularizing any fines, issues, amerciaments, forfeited recognizances, sum and sums of money paid or to be paid in lieu or satisfaction of them, or any of them, in order that the sheriff or other officer coming into office may use every means in his power for recovering the sums so unpaid, and not charged to his predecessor on the passing of his accounts before the auditor or proper officer; and the officer or officers entrusted with the execution of the process in any county, district, or place, shall be duly and diligently examined on oath by the court, at the delivery of the roll, or whenever thereunto required by the court, as to the execution or the circumstances attending the non-execution of any such writ or writs as aforesaid: and every such examination shall be duly recovered by the clerk of the peace, or other proper officer, in order that the sheriff or other officer may be chargeable with all sums not satisfactorily accounted for on the passing of his accounts.

Sheriff to retain the original writs in his possession, which shall continue in force, and be authority to act upon.

Sheriff on quitting his office to deliver over rolls and writs to his successor.

Sheriff may follow the party or his goods, &c., into another jurisdiction, if his own be too limited.

XLIII. And be it further enacted and ordained, that in case by any means the sheriff or other officer to whom any such writ or writs shall be directed as aforesaid, shall not have, or shall cease to have execution of process throughout the whole colony, and in case any party incurring or subject to any fine, issue, amerciament, forfeited recognizances, sum or sums of money to be paid in lieu or satisfaction of them, shall reside, or shall have fled from, or removed out of the jurisdiction of such sheriff or other officer as aforesaid, it shall be lawful for such sheriff or other officer, and he is hereby required to issue his warrant, together with a copy of the writ directed to the sheriff or other officer acting for the county, district or place in which such person shall then reside or be, or in which any goods or chattels, or other his property shall be found, requiring such last-mentioned sheriff or other officer to execute such writ; and every such last-mentioned sheriff or other officer is hereby authorized and required to act in all respects under such warrant in the same manner as if the original writ had been directed to him by order of a court of general or quarter sessions held within the county, district, or division of territory within which he shall act, and the said last-mentioned sheriff or other officer is hereby required, within thirty days after the receipt of such warrant, to return to the sheriff or other officer from whom he shall have received the same, what he shall have done in the execution of such process, and whether the party shall have given good and sufficient security to appear at the ensuing general or quarter sessions, to be held for the county, district, or place from which the writ issued; and in case a levy shall have been made, to pay over all monies received in pursuance of the warrant to the sheriff or other officer from whom he shall have received the same.

XLIV. And

XLIV. And be it further enacted and ordained, that the clerk of the peace and other officers shall be entitled to their usual and legal fees on the discharge of any forfeited recognizance and other duties performed under this Ordinance, the amount thereof to be fixed, where the same may not otherwise be ascertained by law, by the said courts of general or quarter sessions; and in case any sheriff or other officer as aforesaid, or any clerk of the peace, shall refuse or neglect to do and perform any duty, act, or thing, imposed upon or required from him in manner by this Ordinance directed, then and in every case such sheriff or other officer, or clerk of the peace, so refusing or neglecting, shall forfeit the penalty of no less than 10*l.* nor more than 100 *l.*, to be recovered by any person or persons who will sue for the same, together with full costs of suit, by action of debt or on the case, in any competent court in New Zealand, wherein no essoign, protection, wager of law, or any more than one imparlance shall be allowed: provided that the party suing shall give sufficient surety, at the discretion of such court, for payment of costs if a verdict be given against the suer.

Fees of clerk of peace and other officers.

Penalty for neglect of sheriff.

XLV. And be it further enacted and ordained, that every clerk of the peace in New Zealand do and shall, on or before the 31st day of January in each year, make and deliver to the colonial treasurer, or at such other time, and to such other officer, as the Governor, or the person administering the government of the colony for the time being, shall direct and require, a true and perfect duplicate on certificate of all such fines, issues, amerciaments, and forfeited recognizances, and sum or sums of money, and other forfeitures whatsoever, paid in lieu or satisfaction of them, or any of them, as shall be contained in the several rolls or copies which shall be so sent out to the sheriff or other officer as aforesaid, for the purposes of levying as aforesaid, during the year ending the 31st day of December then preceding, to the intent that the sheriff or sheriffs, or other officer or officers respectively, may be duly charged with the monies levied by them in respect thereof; and all parties entitled to any share of such fines, forfeitures, or sum or sums of money, may be at liberty to claim the same according to law.

Clerks of the peace to make annual returns to the colonial treasurer.

XLVI. And be it further enacted and ordained, that the sheriff or sheriffs, or other officer or officers as aforesaid, as the case may be, having execution of any writ or writs to be sent to him by any clerk of the peace as aforesaid, shall and he is hereby required to make up, or cause to be made up, annually on or before the 31st day of January in each year, or within one month after the expiration of his or their office, if the same shall expire at any other time than the 31st day of December, an account in writing containing the names and residences of all persons incurring fines, issues, amerciaments, forfeited recognizances, sum or sums of money paid, or to be paid, in lieu or satisfaction of them or any of them, which he has been authorized or required to levy by virtue of any writ or writs issued to him, or to any predecessor in his office; and in case any fine, issue, amerciament, forfeited recognizance, sum or sums of money paid or to be paid in lieu or satisfaction of them, or any of them, shall not have been levied or paid, the causes of nonpayment shall be fully and particularly stated; and such account every such sheriff or other officer is hereby required to transmit on or before such 31st day of January in each year, or within one month after expiration of office, as aforesaid (as the case may be), to the colonial treasurer of New Zealand, or at or within such other period, or to such other officer as the Governor or officer administering the government of the colony for the time being shall require, in order that such may be duly examined, checked, and inspected in such manner as shall be from time to time lawfully appointed in that behalf.

Sheriff also to make an annual return.

XLVII. Provided, and it is hereby declared, enacted, and ordained, that nothing herein contained shall be intended or construed to prevent the application of the law of England to any matter, except so far as such law is not by this Ordinance expressly modified to suit the circumstances of the colony, but that such law shall be deemed and taken to apply, except as aforesaid, in like manner in all respects as before the passing of this Ordinance.

This Ordinance not to interfere with the operation of English laws, except so far as the same is expressly modified to suit the colony.

XLVIII. And be it further enacted and ordained, that all penalties, fines, and forfeitures incurred and imposed under and by virtue of this Ordinance, and for the recovery whereof no other or special provision is herein made, shall and

Recovery of penalties, &c. by information, order for payment, war-

rant of distress, or imprisonment, not less than one, nor exceeding three months.

and may be sued for and recovered in a summary manner by information before any two or more justices of the peace for the said colony in petty sessions, and such justices shall have full power to order immediate payment thereof, and in default of payment to levy the same, with costs, by warrant of distress, under their hands and seals; but if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalties, fines, and forfeitures, it shall be lawful for such justices, and they are hereby authorized to commit such defaulter or defaulters to any common gaol or house of correction in the said colony, for any term not less than one calendar month, and not exceeding three calendar months, unless such penalties, fines, and forfeitures, and all reasonable charges, shall be sooner paid and satisfied.

Chief and other constables shall attend and obey all warrants orders, &c. of justices.

XLIX. And be it therefore enacted and ordained, that every chief and other constable shall attend, and every such chief and other constable is hereby required, when not engaged on other actual duty, to attend at the several general, quarter, and petty sessions, when and as the same shall be held within the district, county, or town, or other respective place where such constable shall be stationed, or in which he shall act; and every such chief and other constable shall obey and execute all warrants, orders, and commands of such justices at general, quarter, or petty sessions assembled, in all cases, civil as well as criminal.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, the 24th day of June, in the year of our Lord 1841.

J. Coates, Clerk of Council.

SCHEDULES REFERRED TO.

(A.)

FORM OF RETURN, OR LIST REFERRED TO.

The List of all Men within the District, County, or Town of [as the case may be], in the Colony of *New Zealand*, liable to serve on Juries.

District, County, Town, or other Place.	Christian and Surname, at full length.	Residence, &c.	Title, Quality, or Calling.
District of	Adams, John Bowles, James Carter, William	Manawa Materhana Waitemata	Esquire. Yeoman. Labourer.
County of	Dobson, James Edwards, John Francis, Edward	Manakow The same Peroa	Carpenter. Bricklayer. Clerk.
Town of Auckland.	Gibson, Richard Harris, Samuel	Victoria-street Shortland-crescent	Druggist. Merchant.

(signed) *A. B.*, *C. D.*, *E. F.*, Justices of the Peace.

(B.)

REGISTRY of SUMMONSES issued from Petty Sessions held at in the Colony of *New Zealand*, or by Justices acting there.

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Persons summoned, Names, and Residences.

REGISTRY of CIVIL PROCEEDINGS at Petty Sessions held at in the Colony of *New Zealand*.

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Name, Residence, and Addition of Defendant.	Witnesses examined.	Adjudication.

REGISTRY of PROCEEDINGS in Criminal Matters at Petty Sessions held for in the Colony of *New Zealand*, or by Justices acting there.

No.	Date of Information.	Informant's Name, &c.	Offence.	Persons discharged, Name and Residence.	Witnesses examined.	Determination.

(C.)

LIST of FEES to be taken by the Clerks of Petty Sessions, and Clerks to Police Magistrates and other Justices of the Peace acting singly in *New Zealand*.

	s.	*d.*
For every information (in cases not felonious), each	1	6
Swearing the same	1	–
Summons (to include only one name) for each	–	6
Copy and service of each, where the service is within two miles	2	–
Above that distance, for every mile in addition	–	8
For every deposition in evidence, and swearing the same	2	6

	s.	d.
For every other oath administered in cases within the jurisdiction of a justice of the peace, (except naval and military pensions) each -	1	–
Where the proceedings exceed a folio of ninety words, for each additional folio - - - - - - - - - - -	–	8
For any document required in the discharge of the duties of justice of the peace, not enumerated in this Schedule, for each and every folio of ninety words - - - - - - - - - - -	–	8
Copy of those proceedings, per same folio - - - - - -	–	4
Warrant to apprehend (in cases not felonious) - - - - -	2	6
Recognizance with two sureties - - - - - - -	5	–
Notices to principal and the two sureties - - - - - -	2	–
Warrant for distress under penal Acts - - - - - -	2	6
Order of a justice or justices - - - - - - -	1	6

(D.)

ACCOUNT of all FEES received between the day of 18 , and the day of 18 , by the undersigned, as Clerk of

Time when.	Parties Litigating.	From whom.	On what Account.	£. s. d.

The above account verified on oath, the day of A.D. 18 . } (signed) *A. B.* Clerk of

(E.)

Colony of *New Zealand*, to wit. } TAKE Notice, that you, A.B., of , in the colony of New Zealand; C. D., of , in the said colony; and E. F., of , in the same colony, are severally and respectively bound: You, the said A.B., in the sum of pounds, and you sureties, the said C. D. and E. F., in the sum of pounds each, to appear at the next general or quarter sessions of the peace, to be holden at in the said colony of New Zealand, on the day of next, or on such other day on which the same may be held by adjournment next, and unless you personally make and continue your appearance accordingly, the recognizance entered into by you and each of your sureties will be forthwith estreated, and the amount thereof levied on your said sureties. Dated this day of One thousand eight hundred and forty

Justice of the Peace.

(F.)

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth,

To the Sheriff of the Colony of *New Zealand* [or the Sheriff or Officer, as the case may be, of the County, District, or Place, as the case may be].

Greeting:—

You are hereby required and commanded, as you regard yourself and all yours, that of all the goods and chattels, lands and tenements, of all and singular the persons in the several extracts to this writ annexed, you cause to be levied all and singular the debts and sums of money upon them in the same extracts severally imposed and charged, so that the money may

may be ready for payment at the next general or quarter sessions of the peace holden within and for the said colony, to be paid over in such manner as is or shall be lawfully appointed; and if any of the said several debts cannot be levied, by reason of no goods or chattels being to be found belonging to the parties, then, in all cases, that you take the bodies of the parties refusing, or being unable, to pay the aforesaid debts, and lodge them in the proper gaol, there to await the decision of the justices assembled at the next general or quarter sessions of the said colony, unless the parties shall have given sufficient security for their appearance at such sessions, for which you will be held answerable, and have you then there this writ.

Witness Esquire, Chairman of the quarter sessions of the peace for the of in the colony of New Zealand, the day of in the year of Our Reign.

Clerk of the Peace.

(G.)

To the Sheriff or Officer [as the case may be].

WHEREAS hath appeared before the justices of the peace assembled at the general or quarter sessions [as the case may be] held at , having forfeited the sum of [here describe the nature of the fine or forfeiture], and having made it appear to the satisfaction of the justices so assembled, that he [or she] should be relieved from the payment of the said sum of , [or if the penalty is mitigated, state from part thereof], you are hereby required to discharge the said sum of from the estreat roll delivered to you after the quarter sessions held at on the day of , for which discharge this warrant shall be your authority, and shall exonerate you from the said charge on the passing of your accounts before the proper officer.

By Order of the Court,

Clerk of the Peace.

— No. 5. —

ANNO QUARTO ET QUINTO VICTORIÆ REGINÆ.

BY His Excellency *William Hobson*, Esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over Her Majesty's Colony of *New Zealand*, with the advice and consent of the Legislative Council thereof.

"AN ORDINANCE for prohibiting the Distillation of Spirits within the colony of New Zealand." Title.

WHEREAS it is expedient to prohibit the distillati on of spirits within the colony of New Zealand. Preamble.

I. Be it therefore enacted and ordained, by his Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, all distillation of spirits from grain, sugar, molasses, fruit, or any other materials whatsoever, and all rectifying and compounding thereof, within the colony of New Zealand and its dependencies, shall be and the same is hereby prohibited. Distillation of spirits prohibited.

II. And be it further enacted and ordained, that from and after the passing of this Ordinance, it shall not be lawful for any person, except as hereinafter is excepted, to have, keep, or make use of any still, back, or other utensil or vessel for distilling spirits, or for rectifying or compounding spirits, in any place or part of the said colony of New Zealand and its dependencies, under a penalty of not less than 100*l.* nor more than 500*l.*, to be recovered as hereinafter directed. No person to keep or use a still under a penalty of from 100 *l.* to 500 *l.*

III. And be it further enacted and ordained, that it shall and may be lawful for the colonial treasurer for the time being, or other person to be appointed by the Governor for the time being for that purpose, to issue a licence free of all charge to any apothecary, chemist, or druggist applying for the same, to keep and use on his premises a still of not more than eight gallons content, for the purposes Apothecaries, chemists, and druggists may have stills of eight gallons content.

purposes of his trade only: provided, that every person wishing to keep such still shall notify his intention so to do to the colonial treasurer, or other person appointed as aforesaid, who shall thereupon require such person to give bond with two sufficient sureties in the sum of 200 *l.* that he will not make use of such still, or suffer it to be made use of, except for the preparation of medicines or other articles required *bonâ fide* for medical purposes; and every such person found to have such still without having entered into such bond, and obtained license, shall forfeit and pay not less than 100 *l.* nor more than 500 *l.*

Justice of the peace, officer of customs, or other person duly appointed, suspecting private distillation, may enter house or place, and seize still, &c.

IV. And be it further enacted and ordained, that it shall and may be lawful for any justice of the peace, officer of customs, or other person duly and lawfully authorized, having reasonable grounds to believe and suspect that any private and concealed still, back, or other utensil or vessel for the distillation of spirits, is set up or kept in any house or place within the said colony or its dependencies, to enter into such house or place in the day-time, and, accompanied by a peace officer, to search for and seize any such still, back, utensil, or vessel, and also all spirits and other materials preparing for distillation, and either to detain and keep the same in the house or place where found, or to remove the same to the customs or police office, or other place in charge of the officer of customs, or police magistrate, or as they, or one of them, or any justice of the peace, shall direct; and the said still, back, or vessel, and all spirits and other materials preparing for distillation shall be absolutely forfeited, and the proprietor, or owner, or occupier of any house or place where any such private and concealed still, back, utensil, or vessel shall be so found and seized, or the person or persons in whose custody the same shall be found, shall be liable to and pay the penalty or sum of not less than 20 *l.*, nor more than 100 *l.*, exclusive of and in addition to any other penalty he, she, or they may be liable to; and if any person or persons shall obstruct, oppose, molest, or hinder such justice of the peace, officer of customs, or other person aforesaid, in the due searching for and seizing any such private and concealed still, back, or other utensil, or other vessel, spirits and other materials for distillation, or in detaining, keeping, or removing the same, or any of them, after seizure, then, and in every such case, every person so offending shall forfeit the sum of not less than 10 *l.*, nor more than 100 *l.*

Such still, &c. absolutely forfeited. Proprietor or owner of house, &c. or person in whose custody still, &c. is found, liable to penalty before mentioned.

Obstructing justice or other officer.

Penalty.

Justice or officer empowered to enter such house or place.

And after demand, and not admitted, to break therein.

Penalty for refusal.

V. And be it further enacted and ordained, that in case any such justice of the peace, officer of customs, or other person as aforesaid, after having demanded admittance into the house or place where such private and concealed still, back, utensil, or vessel for the distillation of spirits is reasonably suspected to be kept and used, shall not be immediately, and without the least delay, admitted into such house or place, it shall and may be lawful for such justice of the peace, officer of customs, or other person as aforesaid, being accompanied by a peace officer, by force to break into and enter such house or place, and make search therein, and every person found in such house or place, after admittance demanded and refused, shall for every such offence forfeit and pay a penalty of not less than 10 *l.*, nor exceeding 100 *l.*

Recovery of penalties.

VI. And be it further enacted and ordained, that all fines, penalties, and forfeitures imposed and accruing under this Ordinance, shall be sued for, recovered, and levied by information laid before, and summons issued by one justice, but to be heard and determined before two or more justices of the peace for the said colony in petty sessions assembled, at the instance and in the name of any superior officer of customs, or of the attorney-general for the time being, and in case of nonpayment after order and adjudication of such justices of the peace, the amount thereof may be levied, as well as the costs of proceedings, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by warrant under the hands and seals of such justices, and the overplus, if any, of the money so to be recovered and levied, after discharging the fine, penalty, or forfeiture for which such warrants shall be issued, and the costs and expenses of recovering and levying the same, shall be returned, on demand, to the owner of the goods and chattels so seized or distrained; but if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy the said fines, penalties, and forfeitures, and such costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such justices, either by the confession of the offender or offenders, or otherwise, that he or she or they hath or have not sufficient

cient goods and chattels whereon such fines, penalties, and forfeitures, costs and expenses, can be levied, if a warrant of distress were issued, such justices shall not be required to issue such warrant of distress; and thereupon it shall and may be lawful for such justices, and they are hereby authorized and required, by warrant under their hands and seals, to cause such offender and offenders to be committed to any common gaol or house of correction in the said colony, there to remain without bail or mainprize for any time of not less than one nor exceeding six calendar months, unless such fines, penalties, and forfeitures, and all reasonable charges, shall be sooner paid and satisfied.

Fines, &c. to be paid one half to the Queen, and one half to witnesses, &c.

VII. And be it further enacted and ordained, that all fines, penalties, and forfeitures which shall be levied and enforced under this Ordinance shall, after deducting the charges of prosecution from the proceeds thereof, be divided, paid, and applied as follows, that is to say, the moiety or one-half of the net proceeds thereof shall be paid to the colonial treasurer for the use of Her Majesty, Her heirs and Successors, to be applied to the public uses of the said colony, and the other moiety or half part thereof shall be paid and distributed to and among such person or persons who shall have assisted in the seizure, or have given information or evidence leading to the conviction of the offender or offenders, in such portions as the said justices shall in their discretion think proper, and any overplus of such last-mentioned moiety or half part shall be paid to the colonial treasurer for the purposes aforesaid.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, this 23d day of June, in the year of our Lord 1841.

J. Coates, Clerk of Council.

— No. 6. —

ANNO QUARTO ET QUINTO VICTORIÆ REGINÆ.

BY His Excellency *William Hobson*, Esquire, Captain in Her Majesty's Royal Navy, Governor, Commander-in-Chief in and over Her Majesty's Colony of *New Zealand*, with the advice and consent of the Legislative Council thereof.

Title.

"AN ORDINANCE for instituting Courts of Civil Jurisdiction, to be called 'Courts of Requests,' in differents parts of the Colony of New Zealand and its Dependencies."

Preamble.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, made and passed in the ninth year of his late Majesty, King George the Fourth, intituled, "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto," it was enacted, that it should be lawful for the Governors of New South Wales and Van Diemen's Land respectively, with the advice of their said Legislative Councils, by laws and ordinances to be from time to time for that purpose made and enacted as thereinafter mentioned, to institute courts of civil jurisdiction, to be called "Courts of Requests," in different parts of New South Wales and Van Diemen's Land, or the dependencies thereof, as occasion might require, with full power and authority to hear and determine in a summary way all actions, plaints, and suits for the payment or recovery of any debt, damages, or matter, not exceeding ten pounds sterling, except the matter in question should relate to the title to any lands, tenements, or hereditaments, or to the taking or demanding of any duty payable to his Majesty, or to any fee of office, annual rent, or other such matter where rights in future might be bound, or to any general right or duty, and to award costs therein; and the determination and award of such courts of requests in all cases within the jurisdiction thereof should be final, and should be carried into execution by attachment and sale of the goods and effects, or by corporal arrest of the party or parties against whom such determination or award should be made. And whereas by a certain other Act of the Imperial Parliament of Great Britain

2 & 3 Victoria.

and Ireland, passed in the second and third year of the reign of Her present Majesty Queen Victoria, intituled, " An Act to amend an Act of the ninth year of the reign of King George the Fourth, to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto; and to continue the same until the 31st day of December 1840, and thenceforward to the end of the next Session of Parliament," after reciting that, by the said Act passed in the ninth year of King George the Fourth, provision was made for the administration of justice in the said colonies, and further reciting that the provisions of the said Act had, by reason of the extension of the said colonies, been found in divers respects inapplicable to the circumstances of the said colonies, and to the wants of the inhabitants thereof; but the Local Legislatures of the said respective colonies had no power to repeal or alter any of the before-mentioned provisions, it was enacted that it should be lawful for the Local Legislatures of the said respective colonies, by any laws or ordinances to be by them from time to time for that purpose made in manner prescribed by the said Act of the ninth year of King George the Fourth, and subject to the conditions and provisions therein contained, to make such provision as to them might seem meet for the better administration of justice, and for defining the constitution of courts of law and equity, and of juries within the said colonies respectively, or within any present or future dependency thereof respectively; anything in the said recited Act, or in any charter of justice, or Order in Council, made and issued in pursuance thereof; or in any law, statute, or usage to the contrary thereof in anywise notwithstanding: And whereas it is expedient and necessary that provision be made for the holding of courts of civil jurisdiction, to be called courts of requests, within the colony of New Zealand and its dependencies.

Courts of requests to be holden at certain places.

I. Be it therefore enacted and ordained, by his Excellency the Governor of the said colony of New Zealand, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, courts of civil jurisdiction, to be called " courts of requests," shall be holden at and in the following towns or places for the several and respective townships and districts to be included therein under the provisions hereinafter contained; that is to say, at the towns or districts of Auckland, Port Nicholson, and Russell, in the said colony, and that such courts shall be holden at such times at the said several towns or places as the Governor for the time being shall, by proclamation to be issued for that purpose, from time to time direct and appoint.

Governor to appoint Commissioners and officers.

II. And be it further enacted and ordained, that it shall and may be lawful for the Governor for the time being, and he is hereby authorized and empowered to nominate and appoint Commissioners, or a Commissioner, and such ministerial or other officers as shall be necessary for the administration of justice in the said courts respectively, and for the execution of the orders and process thereof respectively, and the said Commissioners, ministerial and other officers, from time to time to remove, when and as often as the said Governor shall see fit; and such Commissioners, ministerial and other officers, shall and may receive for their own respective use, such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct, by warrant under his hand, to be paid from and out of the revenues of New Zealand, and the same shall be the whole remuneration of the said Commissioners, ministerial and other officers, for and in respect of their said offices, and each Commissioner shall, and he is required to take the oath in Schedule (A.) to this Ordinance annexed, and the said oath shall be administered either at general or petty sessions or otherwise, by two justices of the peace.

Governor to order salaries of the Commissioners and officers.

To be whole remuneration.

Powers of such courts.

III. And be it further enacted and ordained, that from and immediately after the passing of this Ordinance, and so soon thereafter as the Governor shall issue his proclamation, appointing the several times for holding such courts as aforesaid, each and every of the said courts shall have full power and authority, and the Commissioners thereof may, under the provisions hereof, and they are hereby respectively authorized to hear and determine within their respective jurisdictions, in a summary way, all disputes and differences between party and party, in all cases of debt, covenant, assumpsit, actions on the case upon assumpsit, or promises, trover, conversion, trespass for goods taken, or detinue and suits for the recovery

recovery of any debt, damages, or matter not exceeding 50*l.* sterling, except the matter in question should relate to the title of any lands, tenements, or hereditaments, or to the taking of any duty payable to Her Majesty, or to any fee of office, annual rent, or other such matter, where rights in future might be bound, or any general right or duty.

IV. And be it further enacted and ordained, that no cause of action which shall exist at any one time, and shall amount in the whole to a sum beyond the sum of 50*l.* as aforesaid, shall be split or divided so as to be made the ground of two or more different actions, in order to bring such cases within the jurisdiction created by this Ordinance; but if the Commissioner of the said court shall find that the plaintiff in any case shall have split his cause of action as aforesaid, he shall dismiss the said action with the ordinary costs of a dismiss, without prejudice, however, to the plaintiff's right to sue upon such cause of action in the Supreme Court of the said colony of New Zealand, or in such other manner as he lawfully may; provided also, that if such plaintiff shall be satisfied to recover such sum, as, according to this Ordinance, the jurisdiction of the courts of requests is made to extend to, in full of the whole of such his demand, then the said Commissioner shall and may, if such plaintiff shall satisfactorily prove his case, make and pronounce one decree for such plaintiff for such sum, as shall in such case be demanded by the process, so as such sum does not exceed the jurisdiction created by this Ordinance; and the same shall be expressed in such decree to be, and shall be, in full discharge of the whole of such demand, and shall be a full and complete bar to any other action, plaint, or suit which may be brought thereon, in the same or any court whatever.

No cause of action to be split, but the court may decide thereon if plaintiff be satisfied to receive the sum awarded in full of all demands.

V. And be it further enacted and ordained, that nothing in this Ordinance shall extend to any debt being the disputed balance of an unsettled account, originally exceeding 50*l.*; nor to any debt, or supposed debt, for any money or thing won, or alleged to have been won, at or by means of any horse-race, cock-match, wager, or any kind of chance, gaming, or play, or to any debt which there had not been a contract, acknowledging, undertaking, or promise to pay within three years before the taking out of the summons.

No jurisdiction in certain cases.

VI. And for the better discovery of the truth, and the more speedily obtaining the end of such suits, be it further enacted and ordained, that it shall and may be lawful for the said Commissioner to examine the plaintiff or plaintiffs, defendant or defendants, *vivâ voce*, on their several corporal oaths; and that it shall be lawful for the Commissioner to award costs in all actions tried in the aforesaid court.

Plaintiffs and defendants may be examined on oath, and Commissioner to award costs.

VII. And be it further enacted and ordained, that the several proceedings, orders, decrees, and dismisses which shall be taken, prosecuted, and pronounced, in pursuance of this Ordinance, shall be in the form prescribed in Schedule (B.) hereto annexed, or as near thereto as circumstances will admit.

Proceedings, orders, &c. to be in form prescribed in Schedule.

VIII. And be it further enacted and ordained, that it shall be lawful for any Commissioner appointed under this Ordinance, and he is hereby authorized and empowered, to dismiss any action or proceeding before him with costs, and either on the merits, or without prejudice to further or other proceedings, as he shall think fit.

Commissioner may dismiss action with costs, &c.

IX. And be it further enacted and ordained, that if any action or suit shall be commenced in the Supreme Court of New Zealand, for any debt or demand other than hereinbefore excepted, not exceeding the sum of 50*l.* sterling, and recoverable by virtue of this Ordinance in any of the said courts of requests respectively, the plaintiff or plaintiffs in such action or suit shall not, by reason of any verdict for him, her, or them, or otherwise, have been entitled to any costs whatsoever; and if the verdict shall be given for the defendant or defendants in such action or suit, and the judge or judges before whom the same shall be tried or heard shall think fit to certify that such action or suit ought to have been brought into any of the said courts of requests, then such defendant or defendants shall have double costs, and shall have such remedy for recovering the same as any defendant or defendants may have for his, her, or their costs in any cases by law.

Suits prosecuted in the Supreme Court, for causes of action under 50*l.*, and judge shall think fit to certify that such action ought to have been brought in court of requests, defendant to have double costs.

Plaintiffs and defendants must attend personally, unless unavoidably prevented.

X. And be it further enacted and ordained, that no person whatever shall be permitted to appear and act in the court of requests in any suit, for or in behalf of any plaintiff or defendant in such suit, unless it shall be first proved to the satisfaction of the Commissioner of such court that such plaintiff or defendant is prevented by some unavoidable necessity, or some good and sufficient cause, from attending such court in person.

Judgments may be executed anywhere within the colony.

XI. And be it further enacted and ordained, that the judgments, decrees, and orders of any of the said courts, may and shall be carried into execution in any district or place whatsoever within the said colony where the defendant, his goods or chattels, may be found or be met with.

Witnesses not attending, and persons guilty of contempt, punishable by fine or imprisonment.

XII. And be it further enacted and ordained, that all persons summoned to attend any of the said courts shall attend pursuant to such summons, and shall be subject to the like actions and attachments for disobeying such summons, as they would be subject to for disobedience to a subpœna out of the Supreme Court; and also, that it shall and may be lawful for any of the said courts to punish in a summary way by fine, not exceeding 20 *l.*, or by imprisonment for any time not exceeding two calendar months, any person or persons guilty of any contempt before any such court.

Witnesses guilty of perjury may be prosecuted for the same.

XIII. And be it further enacted and ordained, that if it shall appear to the Commissioner of the said court of requests that any person examined on oath, or, if a Quaker, on affirmation, has in any proceeding whatever hereafter to be instituted, or in any way connected with the said courts of requests, committed wilful and corrupt perjury in swearing or affirming in any affidavit or affirmation required to be made before the said Commissioner, then and in each and every such case it shall and may be lawful for the said Commissioner to direct a prosecution for perjury, to be forthwith instituted against any such person so falsely swearing or affirming as aforesaid, in order that he or she may be punished according to law.

Appointment of bailiffs, and after judgment what execution may issue, and to whom directed.

XIV. And be it further enacted and ordained, that each Commissioner for the time being shall and may appoint a sufficient number of proper and respectable persons to act as bailiffs for the execution of the orders and decrees of the said courts of requests respectively, and in each and every case where the said Commissioners shall have made any order or decree for the payment of money, it shall and may be lawful for the said courts, at the prayer of the party so prosecuting such order or decree, to issue a precept, signed by the Commissioner, in the nature of a writ of *fieri facias*, or *capias ad satisfaciendum*, which precept shall be directed to one or more of such bailiffs so appointed for any of the said courts, who is and are hereby authorized and empowered to levy the amount thereof off the goods and effects of the defendant, and to arrest the defendant, as the case may be; provided, however, that each of the said Commissioners is hereby empowered and authorized, when thereto required by the plaintiff in any suit wherein such precept or writ may be issued, to appoint one or more special bailiff or bailiffs, to be named by the said plaintiff, to execute such precept or writ, upon receiving from such plaintiff full and sufficient security against any improper use or abuse of such precept or writ.

Commissioner may appoint special bailiffs for executing writs in certain cases.

Mode of proceeding in the writ of execution.

XV. And be it further enacted and ordained, that for the purpose of preventing any disputes as to the mode of executing the aforesaid writ or precept of the Commissioner, that it be executed in the following manner; that is to say, that the bailiff is directed, in the first instance, to levy on the goods and chattels of the defendant, and that, in the event of such bailiff not being able to find any goods of the defendant, and the defendant failing to point out to his notice any goods whereon to levy the amount, it shall and may be lawful for the said bailiff to enforce the judgment of the court, by the personal imprisonment of the defendant as hereinafter is mentioned; provided that, if previous to the sale of the property so levied upon a disputed claim shall be made to it, and such claim shall be deposed to before a magistrate by any party, the bailiff, on payment to him of the costs of the levy by such party, shall release it from the execution, and proceed to enforce the judgment of the court, by levying upon other goods of the defendant, if any can be found or pointed out to him, or by arresting the body of the defendant as hereinbefore is directed.

Proviso as to disputed claim to goods, &c.

XVI. Provided

XVI. Provided always, and be it further enacted and ordained, that every such defendant who shall be arrested and taken in execution by process of the said courts as aforesaid, shall and may be imprisoned in any one of Her Majesty's gaols, and shall be there detained for a space of time not exceeding three calendar months, unless before the expiration thereof the judgment of the said courts shall have been satisfied; and in case such judgment shall not then be satisfied, such defendant shall be discharged from such gaol, but it shall be lawful for the complainant at any time within three years after such judgment, to take out execution against any estates or effects of such defendant until such judgment shall be fully satisfied.

Imprisonment by process of court not to exceed three months

Liability of future effects.

XVII. And be it further enacted and ordained, that it shall be lawful for the said Commissioner of the courts of requests, whenever it shall appear to him that the levy of the full amount of any judgment in the said courts at one time may be attended with great distress to the defendant, and that such distress may be avoided or lessened by enlarging the time for satisfying such judgment, to order and direct the amount thereof, together with the costs and charges, to be levied by instalment at such stated times and in such proportional amounts as shall be expressed in such order, and as shall be reasonable and just; provided always, that the time for satisfying any such judgment shall not exceed six months from the time of making such order as aforesaid; and in case such defendant shall fail to pay any such instalment agreeably to such order, in every such case the plaintiff may proceed to take out execution for the amount of such judgment, and the costs and charges thereof then remaining due and unsatisfied, in like manner as if no such order as aforesaid had been made.

Commissioner may in certain cases order judgments to be paid by instalments.

XVIII. Provided however, that no judgment of any of the said courts against the goods and chattels of the defendant in any suit or action brought therein, shall be executed at any time after sunset, nor before sunrise, and if any officer or person shall execute any such judgment after sunset, or before sunrise, such officer or other person shall be subject and liable to a fine of not exceeding 10*l.*, which shall be set by the Commissioner of the said court, and enforced by distress and sale of the offender's goods.

Levy on defendant's goods to be made between sunrise and sunset.

XIX. And be it further enacted and ordained, that no execution awarded against the goods of any party or parties shall extend to, or be construed to extend to deprive any landlord or landlords of the power vested in such landlord or landlords, by an Act passed in the eighth year of the reign of her late Majesty Queen Anne, intituled, "An Act for the better security of Rents, and to prevent Frauds committed by Tenants," of recovering one year's rent, by virtue of and in pursuance of the said Act.

Execution not to prejudice landlords.

8 Anne, c. 14.

XX. And be it further enacted and ordained, that from and after the passing of this Ordinance, no plaint, action, or other proceeding entered in the said courts, or commenced therein as aforesaid, nor any order or orders, decree or decrees, or other process or decision to be had thereon by virtue of this Ordinance, shall be removed out of the said courts by a writ of *recordari facias, loquelam, certiorari*, or false judgment, or otherwise howsoever, but such order or orders, decree or decrees, or other decision, so to be made by the Commissioner shall be final and conclusive to all intents and purposes whatsoever.

No plaints, action, or proceedings to be removed.

XXI. And be it further enacted and ordained by the authority aforesaid, that in case any action or suit shall at any time hereafter be commenced, or brought against any member, officer, or minister of the said court of requests, or against ony other person or persons, for or in pursuance, or under the authority of this Ordinance, that it shall and may be lawful for such person in every suit or action to plead the general issue, and give this Ordinance and the special matter in evidence; and the plaint, warrant, precept, or other necessary proceeding, signed by the Commissioner, being duly approved in any such suit or action, shall be deemed a sufficient proof of the authority of the said courts of requests, and of all other proceedings in the said courts previous to the issuing of such warrant, precept, or proceeding, and in case the plaintiff or plaintiffs in such action or suit shall have a verdict pass against him or them, or be nonsuit, or discontinue his, her, or their action or suit, the defendant or defendants shall, in any of the said cases, be allowed double costs.

General issue.

Defendants to be summoned in courts for the districts where they reside; plaintiff may commence and prosecute his suit in district where he resides.

XXII. And be it further enacted and ordained, that defendants shall in general be summoned only to the courts which shall be held for the districts where they or some of them reside, excepting in cases where the cause of action has occurred in another district wherein plaintiff resides, in any of which last-mentioned cases, it shall be lawful for the plaintiff, if he shall think proper so to do, to commence and prosecute his suit in the court which shall be held for the district where he himself resides.

Verbal or technical errors not to be material, but may be amended or altered.

XXIII. And be it further enacted and ordained, that no action or proceeding under this Ordinance shall be treated or considered as invalid, on account of any verbal or technical error; but all errors or mistakes which have not a tendency to mislead the opposite party shall, in all cases, be deemed merely verbal or technical, and may be amended or altered by the Commissioner for the time being.

Fees to be taken.

XXIV. And be it further enacted and ordained, that in all actions and proceedings under this Ordinance, the fees specified in Schedule (C.) to this Ordinance annexed, shall be established and be deemed and taken as the lawful fees and emoluments for the discharge of the several duties therein specified, and the Commissioner shall have full power to compel the payment thereof in a summary way, by order, and on non-payment, by warrant of distress and sale under his hand and seal, and the said fees shall be received and accounted for by the registrars of the said courts respectively, and be paid over by them monthly to the colonial treasurer, for the public uses of the said colony.

Recovered in summary way.

Registrars to receive and account for fee.

(signed) *William Hobson*, Governor.

Passed the Legislative Council, this 5th day of July, in the year of our Lord 1841.

J. Coates, Clerk of Council.

SCHEDULES REFERRED TO.

(A.)

I, *A. B.*, of , in the colony of New Zealand, esquire, duly appointed a Commissioner of the Courts of Requests within and for the said Colony, do swear that I will truly, faithfully, and impartially perform the said office of Commissioner of the Court of Requests; and that I will without favour, affection, hatred, malice, or ill-will, diligently hear, and honestly judge and determine according to evidence, and to the best of my judgment and ability, upon the several actions, plaints, applications, proceedings, and other matters and things brought before me under and by virtue of an Ordinance of the Governor and Legislative Council of the said colony of New Zealand, passed in the fourth and fifth years of the reign of Her present Majesty Queen Victoria, intituled, "An Ordinance for instituting Courts of Civil Jurisdiction to be called Courts of Requests in different parts of the colony of New Zealand and its dependencies."

(B.)

Colony of *New Zealand*, to wit. } A. B., of , in the colony of New Zealand, hereby requires entry to be made in the Court of Requests for the township and district of , within the said colony, of his plaint against C. D., of in the said colony, for a sum of pounds shillings and pence, being for [here state generally the cause of action] in the particular hereunto annexed, fully set forth. And the said A. B. hereby declares that the said particular contains a correct, full, and true statement of his demand against the said C. D., and that the said C. D. is justly and truly indebted to him, the said A. B., in the said sum of , and thereupon the said A. B. prayeth that the said C. D. may be summoned to attend at the next Court of Requests to be holden in the said township and district, to answer such his demand.

Dated this day of A. D. 184 .

Witness, ———

Registrar, ———

A. B. Plaintiff.

ORIGINAL SUMMONS.

New Zealand, to wit. } YOU are hereby summoned and required to attend the Court of Requests to be holden at the court-house at nine o'clock in the forenoon of day of next, then and there to answer the demand of entered against you in the said Court for the sum of pounds shillings and pence, being for

And herein fail not, or judgment will be passed, and execution issued against you for the said sum and costs. And you will take notice that if you have any debt or demand to set off against the said plaintiff's claim, you are hereby required to file or deliver the same at my office at on or before the day of , or you will be precluded from giving evidence thereof on the trial. And you will further take notice, that a plaint, containing the particulars of the plaintiff's demand against you, has been filed in my office at , and that you are at liberty to obtain a copy of the same, if you shall think proper.

Given under my hand, this day of 18 .

——— Commissioner.

Witness, ———

Registrar, ———

ENDORSED ON THE BACK OF SUMMONS.

——— maketh oath, that he served the within summons on the within-named defendant, by delivering a true copy thereof, on the 18 .

Sworn at the day of before me,

———

COPY SUMMONS.

New Zealand, to wit. } YOU are hereby summoned and required to attend the Court of Requests to be holden at the court-house at nine o'clock in the forenoon of , the day of next, then and there to answer the demand of , of , entered against you in the said court, for the sum of pounds shillings and pence, being for

And herein fail not, or judgment will be passed, and execution issued against you, for the said sum and costs. And you will take notice, that if you have any debt or demand to set off against the said plaintiff's claim, you are hereby required to file or deliver the same at my office, at , on or before the day of , or you will be precluded from giving evidence thereof on the trial. And you will further take notice, that a plaint, containing the particulars of the plaintiff's demand against you, has been filed in my office, at , and that you are at liberty to obtain a copy of the same, if you shall think proper.

Given under my hand, this day of 18 .

Witness, ———.

Registrar, ———.

———, Commissioner.

Court of Requests' Office,

Between A. B., Plaintiff,
and C. D., Defendant.

New Zealand, to wit. } THE Commissioner having appointed the day of next, to the above case, I have received his instructions to require your attendance on that day, at o'clock in the and to bring with you any witnesses you deem necessary to support your evidence.

By order of the Commissioner,

To ———, Registrar.

in the above case.

SUBPŒNA.

To

New Zealand, to wit. } You and each of you are hereby commanded, that all excuses being laid aside, you and each of you be and appear in your own proper person, before the Court of Requests, at on the day of at o'clock to testify all and singular what you or either of you know in a certain cause now depending and undetermined, between plaintiff, and defendant, then and there to be tried. And herein fail not, at your peril.

Given under my hand, this day of 18 .

——— Commissioner.

DECREE IN FAVOUR OF PLAINTIFF.

A. B. Plaintiff,
C. D. Defendant.

New Zealand, to wit. } It appearing to the Court that the plaintiff hath proved his demand (wholly or in part), it is therefore ordered and decreed, that the said plaintiff do recover from the said Court of Requests, Township and District of defendant the sum of together with costs; and the said C. D., the defendant, is hereby ordered to pay to the said A. B., the plaintiff, the said sum of in full satisfaction of the said debt and costs (forthwith on demand thereof, or by the following instalments; namely, as the case may be).

Given under my hand and seal, this day of in the year of our Lord 18 .

Debt - - - - -
Costs - - - - -

£.

Entered ———, Commissioner.

———, Registrar.

FORM OF DISMISS.

A. B. Plaintiff.
C. D. Defendant.

New Zealand, to wit. } It appearing to this Court that the plaintiff entered his plaint, andcaused the above defendant to be summoned to attend this Court for [here state the cause of action]: And the said plaintiff having failed to prove his said plaint, it is hereby ordered and decreed by the said Court, that the plaint of the said A. B. be, and the same is hereby dismissed: And that the said defendant do recover against the said plaintiff the sum of for costs: And the said A. B., the plaintiff, is hereby ordered and directed forthwith, on demand, to pay to the said C. D., the defendant, the said sum of so awarded for his costs herein as aforesaid, let execution issue to take in execution the goods and chattels of the said A. B., or his body, to satisfy the said costs.

Given under my hand and seal, this day of in the year of our Lord 18 .

Defendant's costs - - - - £.

Entered ———, Commissioner.

———, Registrar.

FORM OF WARRANT ON DECREE OF DISMISS FOR NONPAYMENT OF COSTS.

I AUTHORIZE and empower one of the bailiffs of this Court, and his assistants, to execute the above decree.

Given under my hand and seal, this day of in the year of our Lord 18 .

Costs - - - - -
Warrant - - - - -

£.

———, Commissioner.

COURT OF REQUESTS.

Between { A. B. Plaintiff. / C. D. Defendant. }

To Mr. ———, Bailiff, and his Assistants.

New Zealand, to wit. } You are hereby commanded to levy of the goods and effects of of in the colony of New Zealand, the sum of pounds shillings and pence sterling, which of lately recovered against for damages and costs; and if you shall not find any goods or effects belonging to the said defendant whereof to levy, then you are hereby commanded to take the said defendant and safely lodge in the custody of one of Her Majesty's gaols, within one calendar month from the date hereof, to satisfy the said plaintiff damages and costs, as aforesaid; and have you there this writ.

Given under my hand and seal, this day of 18

———, Commissioner.

Entered

———, Registrar.

	£.	s.	d
Judgment - - - - - -			
Costs - - - - - - -			
Subpœna - - - - - -			
Execution - - - - - -			
Alias - - - - - - -			
Pluries - - - - - - -			
	£.		sterling.

The Pluries.

You are hereby commanded, as before you were commanded, (and so follow the above form.)

Day of 18 .

A. B. Plaintiff.
C. D. Defendant.

Court of Requests, *New Zealand*, to wit. } You are hereby authorized to discharge out of your custody the above-named defendant, as far as regards the execution in the above case.

To the Sheriff of New Zealand, or any Deputy Sheriff thereof.

———, Registrar.

SCHEDULE (C.)

	s.	d.
For entering every plaint, action, &c., and particulars of demand - - - -	2	6
Entering every appearance and defence - - - - - - - - -	1	–
Summons for defendant and copy - - - - - - - - - -	2	–
Copy for plaintiff, per folio - - - - - - - - - - -	–	6
Entering notice of hearing - - - - - - - - - - -	1	–
Copy and service on plaintiff and defendant, each - - - - - -	1	6
Any notice required during the course of proceedings - - - - -	1	–
Fee on hearing and adjudication where the sum to be recovered shall not exceed 10 *l.* - - - - - - - - - - - - -	2	6
Exceeding 10 *l.* and not 20 *l* - - - - - - - - - -	3	6
Above 20 *l.* to 50 *l.* - - - - - - - - - - -	5	–
Each summons of witness, and copy - - - - - - - - -	1	6
Drawing and signing order for costs, decree, or dismiss, each - - - -	2	6
Every oath of party or witness examined - - - - - - - - -	1	–
Commissioner's warrant to bailiff for executing decree - - - - -	5	–
Bailiff executing any decree or order where the sum shall not exceed 10 *l.* - -	2	6
Exceeding 10 *l.* and not 20 *l.* - - - - - - - - - -	5	–
Above 20 *l.* to 50 *l.* - - - - - - - - - - - -	10	–
Copies of any other proceedings, per folio - - - - - - - - -	–	6

And 3 *d.* in the pound on the amount recovered under execution, to include all charges.

Allowance by way of costs to party in whose favour decree or order is made for the attendance and loss of time of himself and witnesses, not exceeding 10 *s.* per diem, as ordered by Commissioner.

COPIES

OF THE

LAWS AND ORDINANCES

PASSED BY

THE GOVERNOR AND COUNCIL

OF THE

COLONY OF NEW ZEALAND.

---

4 & 5 VICTORIA, 1841.

(Presented to Parliament pursuant to Act 3 & 4 Vict. c. 62, s. 3

Ordered, by The House of Commons, *to be Printed,*
28 *February* 1842.

[*Price* 8 *d.*]

Under 12 oz

PORT ESSINGTON.

RETURN to an Address of the Honourable The House of Commons, dated 17 March 1843;—*for*,

COPIES or EXTRACTS of any CORRESPONDENCE relative to the Establishment of a SETTLEMENT at PORT ESSINGTON.

Colonial Office, Downing-street, 27 March 1843.

G. W. HOPE.

(*Mr. G. W. Hope.*)

Ordered, by The House of Commons, *to be Printed*, 27 *Ma...* 1843.

[*Price* 1*s.* 6*d.*]

SCHEDULE.

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1. The Colonial Land and Emigration Commissioners to Lord John Russell.	18 April 1840	Pointing out the advantages likely to result from the maintenance of a British Colony at Port Essington -	3
2. J. Stephen, Esq., to the Colonial Land and Emigration Commissioners.	6 May 1840	An advance of 25,000 *l.* will be made on the Credit of the Colony, in order to defray the Cost of its early Establishment - - - - - - - -	12
3. Sir George Gipps to Lord John Russell.	30 Jan. 1841	Transmitting Letter from Captain M'Arthur, reporting on the present state of the new Settlement, "Victoria" -	13
4. Sir George Gipps to Lord John Russell.	5 Feb. 1841	Forwarding a further Communication from Captain M'Arthur, on the same subject - - - - - -	14
5. Sir George Gipps to Lord John Russell.	7 May 1841	Transmitting Report and Memorandum from Captain M'Arthur, relating to the Soil, Produce and Capabilities of the new Settlement - - - - - -	15
6. Sir John Barrow to J. Stephen, Esq.	10 May 1841	Enclosing Letter from Captain M'Arthur, reporting state of the Settlement, &c. - - - - - - -	18
7. Lord John Russell to Sir George Gipps.	27 June 1841	Transmitting Letter from Sir John Barrow, enclosing Extract Letter from Captain Sir J. G. Bremer, respecting the Grant of Leases of Land at Port Essington; with Reply - - - - - - - -	19
8. The Hon. Sidney Herbert to J. Stephen, Esq.	10 Nov. 1841	Enclosing Letter from Captain M'Arthur, reporting the progress of the Works at the new Settlement - -	20
9. Sir John Barrow to G. W. Hope, Esq.	10 Jan. 1842	Enclosing Letter from Captain M'Arthur, on the state of the Settlement, &c. - - - - - - -	21
10. J. Stephen, Esq., to the Colonial Land and Emigration Commissioners.	17 Mar. 1842	Transmitting Report from Captain Sir J. G. Bremer, relative to the Resources of Port Essington, and the advantage of maintaining the Settlement - - -	22
11. Sir John Barrow to G. W. Hope, Esq.	7 May 1842	Enclosing Extract Letter from Captain King, of Sydney, on the improving state of the new Settlement - -	25
12. J. Stephen, Esq., to Sir John Barrow.	17 June 1842	Enclosing Report from the Colonial Land and Emigration Commissioners, respecting a commercial Settlement at Port Essington - - - - - - -	25
13. Sir George Gipps to Lord Stanley -	5 May 1842	Transmitting two Letters from Captain Stokes, of Her Majesty's surveying vessel, the "Beagle," relative to the state and prospects of Port Essington - -	26
14 Lord Stanley to Sir George Gipps -	26 Dec. 1842	Acknowledging Sir G. Gipps' Despatch of the 5th May last, and requesting further information on the state of Port Essington - - - - - - -	28
15. Sir John Barrow to J. Stephen, Esq.	7 Dec. 1842	Enclosing Letter from Vice-Admiral Sir W. Parker, with Enclosures from Commander O. Stanley and Captain M'Arthur, on the state and prospects of Port Essington	28
16. Sir John Barrow to J. Stephen, Esq.	23 Jan. 1843	Enclosing Letter from Captain M'Arthur, on the same subject - - - - - - - - - - -	36
17. Captain M'Arthur to J. Stephen, Esq.	20 Sept. 1842	Acknowledging receipt of various Documents from Sir George Gipps, respecting the Settlement at Port Essington, and reporting on the subject; and transmitting a Report of Mr. Earl - - - - - -	37
18. Sir John Barrow to G. W. Hope, Esq.	7 Oct. 1842	Requiring information relative to Lord Stanley's intentions as to the future Government of Port Essington	48
19. J. Stephen, Esq., to Sir John Barrow.	20 Oct. 1842	Reply to the above - - - - - - - -	48
20. Sir George Gipps to Lord Stanley -	3 Sept. 1842	Referring to his Despatch of the 5th May last, and transmitting Reports from Captain M'Arthur and Mr. Earl, and a List of Supplies forwarded from Sydney to Port Essington - - - - - - - -	48

MAP of part of the North Coast of Australia, showing the situation of Port Essington - - - *at the End.*

COPIES or EXTRACTS of CORRESPONDENCE relative to the ESTABLISHMENT of a SETTLEMENT at PORT ESSINGTON.

— No. 1. —

COPY of a LETTER from *T. F. Elliot*, Esquire, and the Hon. *E. E. Villiers*, to Lord *John Russell*.

My Lord, 2, Middle Scotland-yard, 18 April 1840.

No. 1. Letter from T. F. Elliot, Esq., and the Hon. E. E. Villiers, to Lord John Russell, 18 April 1840.

WE have had under our consideration the letters from the Colonial Department of the 28th and 30th of January, enclosing, by your Lordship's directions, several reports from Sir J. Gordon Bremer, upon the settlement recently renewed upon the north-west coast of New Holland, and requiring our opinion how far it seems probable that this settlement can be maintained by the proceeds of sales of land. Having carefully perused the documents, and done our best to collect information from a variety of other sources, we have now the honour to submit such conclusions as we have been led to form on the subject generally of the new settlement.

Capabilities of Port Essington as a place of call for Shipping, and of Refuge.

First. We think it is shown that a settlement at Port Essington is desirable as a place of call for vessels passing through Torres Straits to India, and also as a refuge for mariners shipwrecked in that dangerous navigation.

By returns which Sir Gordon Bremer obtained from the Master Attendant's Office, it appears that the tonnage of vessels which cleared from Sydney for India, Java and the Eastern Islands, by way of Torres Straits, was, in the

Season of 1832	- - - - - -	4,700 tons.
1836	- - - - - -	8,133 „
1838	- - - - - -	14,950 „

showing a growing traffic, which would well justify some effort for the additional security and convenience of the parties engaged in it. And so long as the emigration to the Australian settlements shall flourish and extend itself as it has latterly done, the number of vessels despatched to those colonies beyond the wants of their direct trade, must continue to occasion a great passage of shipping through Torres Straits in search of homeward cargoes from India and the China Seas.

As a place of Trade.

Secondly. It appears probable that Port Essington might succeed as a trading post, disposing of British manufactured goods amongst the Malays, and receiving in return various products of the Eastern Isles.

The experiments which have been made may be said to have proved that this harbour is much used by the Malays, who annually visit the northern coast of New Holland in pursuit of the trepang or sea-slug, and that their resort would be likely to be much increased by the presence of a fixed British establishment. In 1829, which was the last year of the existence of the former station at Raffles Bay in the vicinity of Port Essington, the commandant mentioned, in a letter to Sir Edward Owen, that between the 23d of March and the 11th of May 1829, 34 proas, manned by 1,056 persons, visited the settlement, and that all of their captains said that a great many more would arrive in the next season, and further expressed the utmost satisfaction at the prospect of a permanent British establishment, and gratitude for the reception they met with. The new settlement formed by Sir Gordon Bremer has already been visited by some of these people, who have held similar language. It appears that the natives entertain an inveterate hostility to them, and often molest them to a formidable extent. They cannot land and cure their fish in security. This gives the Malays a further motive for desiring the protection of a civilized community, independently of any commerce which they may be disposed to enter into on the spot.

With regard to this latter point, we have taken some pains to inform ourselves, being under the impression that there is not much generally known respecting those parts of the Indian Archipelago that would have the earliest commu-

PORT ESSINGTON.

nication with Port Essington. We endeavoured therefore to obtain information from gentlemen in London conversant with the Eastern Seas. We also consulted the useful and sensible narrative published by Dr. Wilson, of the Navy, in 1835, under the title of "A Voyage round the World;" a comprehensive "Memoir on the North Coast of New Holland," by Major Campbell, of the 57th Foot, contained in the Geographical Society's Journal for 1834; Mr. Earl's "Eastern Seas;" and his translation of the "Voyage of the Dutch Brig, 'Dourga,' made in the Year 1825." Some light is thrown on the subject by the short experience already acquired in Sir Gordon Bremer's present expedition; and for such knowledge of the people to the eastward as could be derived from their intercourse with the more frequented parts of the Indian Archipelago, it is scarcely necessary to say that much valuable information is to be found in Sir Stamford Raffles's Account of Java, and in Mr. Crawford's Works; to which list we may add a more recent publication by Mr. Newbold, of the Madras Army, on the settlements in the Straits of Malacca. From these various sources it may be gathered that there would be a ready market amongst the class of Malays (or, as they should more strictly be called, Bugis,) who visit the north-west coast of New Holland, for cotton and woollen goods, and for iron, and that they would be able to offer in exchange several valuable articles, amongst which would probably be included the following: trepang, for conveyance to China, tortoiseshell, bees'-wax, mother-of-pearl shell, edible birds' nests, birds of Paradise, Japan-wood (for dyeing), and sandal-wood

It is right to state that Major Campbell mentions that the fishermen are enjoined not to dispose of their trepang during the voyage, but to carry back the whole produce of the fishery to Macassar, where their employers reside. And Sir Gordon Bremer also observes, that they show doubts whether the government at Macassar would allow them to trade at Port Essington. But neither of these officers appears to attach serious consequence to this cause of impediment, and Sir Gordon Bremer adds, that the merchants being Chinese, he believes that any undue restraint at Macassar would be followed by their removal to the new settlement. We confess that we also have little doubt that where a good market is established, the marketable produce will find its way for disposal.

Such are the grounds on which we are led to the conclusion, that a station being desirable at Port Essington for the convenience of navigation, it will also prove serviceable for purposes of trade, and perhaps eventually become a large and flourishing emporium.

As an agricultural settlement.

But, thirdly, with regard to the fitness of the country in this part of New Holland to grow valuable tropical articles of export, we apprehend there are not sufficient grounds to arrive at any positive opinion.

Reasons for thinking its uses in the latter respect still doubtful.

No partial experiment can decide a subject of this magnitude. It is not enough, for purposes of commerce, to know that a certain plant has flourished in a garden, or has grown spontaneously in particular localities. The questions are, whether over large tracts of country it can be raised with sufficient certainty for the protection of the capitalists, and by means of labour not dear in proportion to that of other places producing the same commodity, and moreover capable of being brought to sale of that quality and condition which the established markets of the world require.

To form an opinion in the present case, we do not find that enough is known either of the soil or of the seasons.

The soil in the immediate vicinity of the settlement formed by Sir Gordon Bremer appears to be good; and he reports that some of his officers, in short excursions, have met with fine land and plenty of water. But there has been as yet no extensive observation. Major Campbell's remarks in favour of the soil are of a very qualified description; and Dr. Wilson, no unfriendly commentator on this coast, expresses himself on the general appearance of the land in the following terms:

"The soil, as far as examined, cannot be called good; there are, however, several fertile patches, but it would not answer either in the agricultural or pastoral point of view. Admitting that the land was good, and capable of producing valuable crops, yet the price of labour would prevent its being cultivated with advantage, especially as it is situated so near to India, from whence rice could be procured at a very low rate."

Again, we believe that almost all the principal subjects of tropical cultivation require

require a great certainty of moisture, either by periodical rains, or else floods through the swelling of rivers. The absence of mountains in the north-western part of New Holland seems to forbid an expectation of the latter resource; and with regard to the former, we apprehend that there are not yet grounds to reckon on that unfailing regularity, which is experienced in some of the great producing countries within the tropics.

Sir Gordon Bremer, in his letters of the 13th December 1838 and 9th February 1839, mentions a want of rain in the midst of what ought to be the rainy season; although we ought to add, that in a subsequent letter of the 4th April 1839, he reported that the meadow lands around his settlement were flooded or well saturated, and proved, in his opinion, that rice might be grown for a large population.

A variety of fruits and vegetables appear to have thriven in the gardens formed both in the previous and in the present settlements; and we feel little doubt that enough of these could be raised for the use of the future inhabitants, and for the refreshment of passing ships.

It is perhaps also not improbable that rice might, as Sir Gordon Bremer anticipates, be successfully cultivated.

But with respect to the power of growing the more valuable articles of export, we are compelled to think, for the reasons above stated, that it would be premature as yet to form any positive expectation.

If, therefore, the only question were whether to establish an agricultural settlement at Port Essington, upon the prospect of its maintaining itself by the sale of country lands, we should feel bound to state that there was not yet sufficient information to justify a decision in the affirmative. But it will be seen that several other questions are involved in the subject. Upon grounds of general expediency, and independently of the peculiar facilities which this situation may possess as a naval station, or as a commercial depôt, it appears in the highest degree desirable that the northern coast of New Holland should be made British territory by actual occupation. As affecting the security, peace and inter-colonial traffic of our other Australian settlements, and also as giving us the command of the navigation of Torres Straits, and of the commerce of the Indian Archipelago, a permanent establishment on the northern coast of New Holland might possibly have seemed an object worthy the attention of the British Government, even at some cost to the country.

But Port Essington possesses all the requisite capabilities for becoming a commercial town of considerable extent. The harbour is of easy access, commodious, and secure; and the surrounding country, though lying within the tropics, appears to partake, in no inconsiderable degree, of that remarkable salubrity of climate by which the more temperate regions of New Holland are distinguished. The scurvy, which has at different times prevailed in the settlements on the north coast, does not appear to us to have been attributable to any other than its ordinary causes of salt diet and privation; and we have the testimony of highly-experienced officers that the climate is the most favourable to the European constitution of any which they had known within the torrid zone. This place, whilst possessing a commodious harbour, and a salubrious climate, has the further important advantage which we have already mentioned, of being so situated that it falls easily within the track of ships navigating Torres Straits, and has become a favourite resort of the Malays employed on these shores in the fisheries which supply the markets of China with trepang. It appears evident that with these advantages, and placed in the immediate vicinity of the great Eastern Archipelago, Port Essington may speedily become, under the influence of British enterprise, one of the most important commercial stations in New Holland.

There are reasonable grounds, therefore, to expect that the settlement would be soon capable of maintaining itself, and of replacing the expenses of its foundation. On each of these heads we proceed to subjoin a few remarks.

In a town depending mainly for its prosperity on its prospects as an emporium, the sources of revenue should be chosen with much discretion. The utmost freedom should be preserved to trade, and every temptation be afforded to passing vessels to call into the port.

All charges on shipping should on this principle be avoided.

Import duties also would only be appropriate, under considerable limitations. Upon all articles which were likely to become subjects of commerce between

PORT ESSINGTON.

the Europeans and Malays, they should on no account be permitted. It is true that they would of course be confined to goods introduced for home consumption, but this would involve the necessity of bonding all other goods of the same kind which might be landed; and in a case such as the present, the trouble and expense of bonding would very probably make the whole difference in the disposition to use the settlement. We are disposed to think, therefore, that import duties, if employed at all, would require to be confined to articles which could be expected to be introduced exclusively for the use of European residents, under which description we believe would be comprised wine and spirits.

At Singapore, that well-chosen and most successful site for a great commercial emporium, the principal sources of revenue appear to be as follows:

Quit-rents.
Rents of markets.
Tax on the retail vend of opium.
Tax on home-made spirits.
Licenses to pawnbrokers.

Anchorage fees, which once existed, are abolished. The wooding, watering, and ballasting of ships is open to public competition; and the only regulation is to provide a maximum charge on those operations, as well as a maximum charge on cargo-boats.

We think that in like manner at Port Essington, tolls, rents of markets, licenses, and direct taxation generally, would be found better suited to a place where the encouragement of the resort of shipping must be the principal object, than those duties on imported goods which yield so ready a revenue in other colonies. One expedient which might be had recourse to, after the first expenses of founding the settlement had been replaced, would be to provide that only one-half or one-fourth of the price of the town acres afterwards sold should be paid up, and that in lieu of the rest, a perpetual rent should be fixed, not to exceed 10 per cent. upon the value thus excluded from immediate payment.

If the colony fortunately proved also fit for extensive agricultural undertakings, the means of meeting its current expenditure would of course be rendered very much the easier.

The next question, however, to be considered, is the manner of providing for the first outlay in establishing the settlement. Were enough known of its agricultural and general capabilities, the best mode of proceeding would probably be to make the enterprise known to the public here, and let the requisite funds be contributed, as has been so successfully done in other cases, through preliminary sales in this country. But we have mentioned our reasons for thinking there is not sufficient evidence to justify our building a scheme of colonization on the uses to be made of the country lands. We would earnestly disclaim any impression adverse to an agricultural settlement on this coast. On the contrary, if a great colony, growing exportable tropical produce, could be established on the north shore of New Holland, we are convinced that it would be a great benefit to this country. And if parties in England should offer to make purchases of us in that region, we think that we ought to be at liberty to dispose of land to them. All that we feel is, that it would hardly be consistent with due caution for the interests of the public, to put forth any thing in the nature of an invitation to persons at large to make investments in the new colony for agricultural purposes, until more information is possessed than at present.

Setting aside, then, the plan of raising a large sum of money in this country by preliminary sales, it remains to examine what security there would be for the repayment of any advance which Government might make in order to found a colony at Port Essington.

We have already shown how peculiar appear to be the advantages of Port Essington as a place of trade.

Now, on the first establishment of the town at Melbourne in the district of Port Phillip, the town allotments were sold by public auction at the average price of nearly 130 *l.* per acre; and in the town of Adelaide, in less than three years from its first establishment, the value of the town sections appears to have ranged in favourable situations from 500 *l.* even up to 2,000 *l.* per acre. With this

this experience of the rapid creation of value which is effected in the capital of a new province, it can hardly be too much to assume that on the establishment of the proposed colony under circumstances so eminently favourable to rapid extension, the value of the town and harbour sections of Port Essington may be estimated at not less than 100*l.*, and that of the several country sections in the district surrounding the town at not less than 1*l.* per acre. If the country lands more generally became available, this would greatly enhance the security. But merely looking to a principal town of 1,000 acres, to out-lying town-lots or docks and wharves, of from 500 to 1,000 acres more, and to a country district around the town of about 100,000 acres, the act of establishing the contemplated sea-port at Port Essington might be expected to confer on the land at the disposal of the Crown a value of from 200,000*l.* to 300,000*l.* Such are the grounds on which it appears to us that, should the Government be inclined to establish this colony, an advance of 25,000*l.* might be made in Exchequer Bills to defray the necessary preliminary arrangements.

A settlement at Port Essington seems to us highly desirable for political and commercial considerations, and we are far from thinking it impossible that it may hereafter prove a valuable agricultural colony. Whether these are adequate reasons to make a moderate advance in order to found a colony, which may be said to be in some degree required for national objects, and whether the probable creation of wealth to which we have adverted would not afford sufficient security for the repayment of such an advance, are questions which must remain for Her Majesty's Government. We would only say, that should the decision be to proceed with the enterprise, the course which we would recommend to be taken is embodied in the following propositions:

1st.—That a town comprising 1,000 acres, exclusive of streets, squares, the sites of public buildings, and the spaces required for public recreation, be laid out at Port Essington.

2d.—That different portions of land, comprising from 500 to 1,000 acres in the whole, be laid out as belts along the shores of the harbour, in situations calculated for quays, docks, wharves and landing places.

3d.—That a district comprising not less than 100,000 acres be laid out, consisting of the most fertile and best situated lands around or in the immediate vicinity of the town.

4th.—That the town, and the lands in the belts along the harbour, be divided into sections of one acre, and be offered for public sale at the uniform price of 100*l.* per acre.

5th.—That the rural lands be divided into sections of 80 acres, and be offered to public sale at the uniform price of 1*l.* per acre.

6th.—That these prices shall remain fixed for one year from the landing of the surveying staff at Port Essington, and that at the expiration of the year, the uniform price of land in the town and in the belts on the harbour shall be raised to not less than 150*l.* per acre; and the uniform price of land in the surveyed country district be not less than 1*l.* 10*s.* per acre.

7th.—That if persons in this country think proper to offer to purchase town or country sections at Port Essington, it shall be competent to this commission to grant land orders for the same in like manner as for any other part of Australia.

8th.—That purchasers of land in this country shall be allowed to expend a fixed proportion of their purchase-money in conveying to the settlement mechanics and other skilled labourers as domestic servants.

9th.—That no agricultural labourers shall be granted a free passage to the settlement until further experience shall have proved that the climate is sufficiently salubrious, and other circumstances sufficiently favourable to render it fitting that field work should be undertaken by Europeans.

10th.—That as soon as there are 500 European inhabitants, exclusive of military, a municipal corporation be granted to the town, with powers of direct taxation for local purposes.

11th.—That in order to enter on the necessary preliminary arrangements, Government should advance the sum of 25,000*l.* in Exchequer bills, as a loan to be secured upon the proceeds of the sales of town and other lands in the proposed settlement, and also upon its ordinary revenues.

 12th.—That

PORT ESSINGTON.

12th.—That an expedition, consisting of a commandant, a surveyor-general from the corps of royal engineers, with some sappers and miners, and a body of artificers and skilled labourers, be despatched to Port Essington, to lay out the town and country sections, and to execute the necessary public works.

We beg leave to append for your Lordship's use, in considering the present subject, extracts from Sir Gordon Bremer's and some other reports on the north coast, distributed under the several heads of "the Harbour," "the Climate," "Soil and Productions," "Capabilities for Trade," "Natives," and "Progress of the Settlement."

We have, &c.

(signed) *T. Fred^k Elliot.*
Edward E. Villiers.

Enclosure in No. 1.

Encl. in No. 1.

EXTRACTS from Sir *Gordon Bremer's* Reports in 1838 and 1839.

The Harbour	p. 8
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Soil and Productions	9
Capabilities for Trade	10
Natives	10
Progress of the Settlement	11
Captain Laws and Dr. Wilson, on the Climate	12

THE HARBOUR.

13 December 1838.

AFTER mature consideration, I fixed on the spot their Lordships will see on the plan which accompanies this, and which I think possesses all the requisites required.

The "Alligator" lays in three fathoms at the lowest spring-tide; the distance from the shore is exactly 600 yards. The "Britomart" and "Orontes" within 400 yards, with the same depth. There are 12 feet within 100 yards; the bottom a very soft adhesive mud.

To the northward of the pier there is a space of 120 feet between the base of the cliff and high-water mark. This will be an admirable position for a sort of dockyard, and I purpose erecting sheds for the repair of boats and sails, and also, if possible, to trice the "Alligator's" rigging up, to avoid its decay in the rains.

As regards that indispensable necessary, water, their Lordships will perceive that we have an abundant supply. We have three wells in the immediate settlement, and it is my intention to sink several others. About half a mile south-west are some springs of excellent water, to which we were guided by the natives. On Point Record we have wells close to the beach, from whence the ship draws her supply, and on Spear Point the "Britomart" and "Orontes" have wells which they use from preference. The supply at either of these would be sufficient to water a line-of-battle ship in a very short time, because any number of wells might be sunk.

The chart will show their Lordships the extent of this noble port. The deep-water anchorage under Point Record alone, would contain 25 sail of the line, and 500 sail of merchant or small vessels might lay in and about our present anchorage. I speak of the inner harbour only; the outer anchorage or roads would contain the whole navy. This chart has been constructed from the surveys of Mr. Tyers, and Mr. Byron Drury (mate), who have been indefatigable in this duty.

* * * * *

9 February 1839.

Our operations commenced on the 3d November, and have proceeded with such vigour that we have now a very admirable little town. The position is on a considerable piece of rising ground, midway on the western side of the inner harbour; the soil round us is of the finest description, and we have already four wells sunk, which afford us abundance of water. When their Lordships receive the admirable chart which has been constructed by Mr. Tyers, and Mr. Byron Drury (mate), they will at once see that a finer harbour is scarcely to be met with in the world.

The "Alligator" and "Britomart" lay in 18 feet at the lowest water of spring tides, within hail of an excellent pier, which extends 100 feet. On Point Record and Spear Point are wells where ships can water most expeditiously, while around our settlements are large ponds and many running streams, all excellent.

* * * * *

CLIMATE.

Climate.

13 December 1838.

We are now in the middle of what is called the rainy season; but, with the exception of two passing thunder squalls, not a drop has fallen. The heat is consequently excessive; the thermometer in our tents on shore seldom during the day falling below 95; generally, indeed, it is 100; on board it stands at 88 or 90. The nights on shore are, however, comparatively cool with all this heat. Such is the excellence of this climate (speaking of it as a tropical one) that not a case of sickness has occurred, although our numbers, including the crew of the transport, amount to nearly 300; most of us, however, have suffered from the bites of sandflies and moschettoes; the former are very virulent, and produce painful ulcers.

* * * * *

9 February 1839.

As regards climate, I have no hesitation in expressing my opinion that it is as fine as any tropical one in the world. We have had very hard labour, and have been constantly exposed to the sun; occasionally the thermometer in the sun has been 98° and 100°, and yet not one serious case of sickness has occurred. Some disposition to scurvy in two individuals has manifested itself, but by timely means it has been overcome.

* * * * *

4 April 1839.

We are now past the north-west or wet monsoon. The south-east winds have commenced, and have brought a clear and brilliant sky, and a climate of the finest kind. The mid-day heat is tempered by a fine breeze, and the evenings and mornings are fresh and invigorating. The thermometer at sunrise this day stood at 68 degrees in the open air. We have not one case of actual sickness, but there are undoubtedly in many habits indications of scurvy, which require constant attention and watching. I procured a considerable supply of tamarinds at Dilly, which has been very opportune.

* * * * *

30 July 1839.

The returns forwarded herewith will show their Lordships that casualties have occurred amongst the marines; and as our residence within the tropic is lengthened, we must expect them to increase. I would, therefore, most respectfully remark, on the necessity which must now exist for an increased force of marines or line troops.

* * * * *

Soil and Productions.

13 December 1838.

I forward to their Lordships two accounts of short excursions into the interior, made by Lieutenant Stewart, by which they will perceive that we are surrounded by fine land, yielding plenty of water. All our officers in their shooting parties find an abundance; and this is still more satisfactory, as the season is one of extraordinary drought.

We have found a bed of clay which appears to be exceedingly fine brick clay; I have some now in the kiln which promises well; if we succeed, the supply will be abundant. The iron-stone, when found in amalgamation with clay, works well into blocks, and will doubtless be available for building purposes; the iron-stone, when exposed to atmospheric influence and salt water, is so hard as almost to defy our iron wedges; and the trees are so exceedingly hard that scarcely any of our tools will stand; the expenditure of these latter articles has consequently been very great.

Amongst the fruits and plants here, we find the nutmeg, which, although not the true spice of the Moluccas, is very good and of fine flavour; and the cotton tree. I have, indeed, no doubt that every description of spice, together with sugar, rice, and excellent cotton, may be procured in this place.

* * * * *

9 February 1839.

The rains have fallen but lightly this season, and our gardens, in consequence, have not made that progress I had hoped for; nevertheless the orange, lemon, banana, plantain and cocoa-nut trees are in beautiful order, while the pumpkins, melons, &c., give ample promise.

* * * * *

4 April 1839.

Every day's residence developes the advantages of this splendid position. The soil is exceedingly rich; plantains, bananas, orange, lemon, and tamarind trees are flourishing.

PORT ESSINGTON.

The growth of the sugar-cane is astonishing, and cotton succeeds as well as we could wish. The considerable tracts of meadow-land around us are either flooded or well saturated, and prove that rice may be cultivated in sufficiency for a large population. Our gardens are advancing to perfection, and as I encourage the men to cultivate their own small spots of ground, there has been a sort of rivalry excited, and they produce more than our public and larger garden. The want of vegetables, however, is felt considerably, and indeed may fairly be stated as the only actual deprivation we have now to contend with.

The timber of this country is so hard that it almost defies our tools and saws, which makes the progress of work slow; very little of it is sound, the white ants making great havoc in the hearts of almost every tree.

* * * * *

CAPABILITIES FOR TRADE.

4 April 1840.

On the 28th of March, three Malay prayas, containing 25 men each, came in. They had been informed of our locality by the natives, and at once abandoning their old establishments for curing their trepang, they came to the beach about 100 yards from our garden, and asked my permission to erect their boiling and drying house there, observing, that under our guns they were secure from attack, and could keep all their men at work, instead of being obliged to have one-half of them on guard; they appear to be highly pleased at the establishment of a British settlement here; at the same time there is an evident feeling of doubt, whether the Dutch government at Macassar will permit them to trade with us; but as they belong to Chinese merchants, I am of opinion that any unnecessary restraint will be followed by their actual removal hither.

Their fishing here has been very successful; one crew obtained upwards of 700 lbs. weight of trepang yesterday; and as it is of the best quality, the value of that day's labour will at least amount to 15*l.* This will, doubtless, be a great inducement to them to make this port one of their principal stations. Like all the inhabitants of the vast mass of islands in these seas, they express their earnest desire to obtain British calicoes and hardware, for which they would at once barter their trepang and tortoiseshell. Of the last article these three prayas alone have on board as much as will in all probability fetch 500*l.* at Singapore. There are three others in Popham Bay, and four or five others to the eastward. In all, 30 sail have been employed this year, and supposing that each has been as successful, the value of tortoiseshell alone will be very considerable.

The protection afforded them by our presence will, I think, promote the extension of this trade prodigiously; and I am sure that the shores of this harbour will afford employment to a far greater number of men than have hitherto frequented it. The feelings of hostility between them and the natives still unfortunately exist. At Goulbourn's Islands they were attacked about three weeks since, and four of their number killed; they afterwards revenged themselves by the slaughter of seven of the islanders. Their intercourse and amalgamation with us will, I hope, gradually soften this disposition in both parties. They relate the bitter disappointment they experienced when they returned to Raffles Bay, and found it deserted in 1829; many of them indeed were seriously injured, as they had expended their earnings in articles for trade with the settlement, which of course was a dead loss.

* * * * *

NATIVES.

13 December 1838.

It is a very great gratification to me to be enabled to acquaint their Lordships that I have established a most friendly intercourse with the natives, especially with the tribe on this side the harbour, by kindness and conciliation, the occasional donation of an axe, a knife, a few beads, or coloured calico, and biscuit the only food they desire; they have become greatly domesticated, many of them being constantly with us. I trust, nothing will interrupt this good feeling.

* * * * *

4 April 1839.

I am happy in being able to acquaint their Lordships that there has not been the slightest interruption to our good understanding with the natives; they had some quarrel with the Malays three nights since; and to prevent bloodshed I marched a strong guard down to the scene of action. The moment they saw the marines they fled into the woods, and have since gone to some distance; but they will soon return, and I can easily make them understand my motives.

* * * * *

PROGRESS

PROGRESS OF THE SETTLEMENT.

13 December 1838.

The necessary works and buildings are proceeding rapidly. The store-house is nearly complete; a quarter for the officers considerably advanced; and the pier already extends to 40 feet.

A good piece of ground is cleared for the garden, the seeds above ground, and the plants and shrubs I brought from Sydney flourishing luxuriantly. The gardener speaks in high terms of the soil. The marines are in huts; but the ground for barracks is in progress of clearing. Those who are married, and some others, have built themselves comfortable huts.

As this is probably the first establishment in a new country which has been made in Her Majesty's reign, I have honoured the rising town, by giving it the name of "Victoria."

9 February 1839.

We have now a stock of cattle for a month, and I look for a further supply on the return of the schooner, "Essington," to Timor.

4 April 1840.

The hospital and officers' quarters are finished, and I have commenced a victualling store-house. The pier also is complete; it is, including the road which has been cut to it, 280 feet in length. Our batteries are in a forward state, and five 18-pounder, and four 6-pounder guns are mounted.

I omitted to mention in its proper place that numbers of the inhabitants of Kissa were desirous to come hither; and as labourers they would be invaluable to us. I felt scarcely at liberty to engage any of them, although their rate of hire here is very low, about 4*l.* per annum as wages, and about the same sum will find each individual in rice, which is their principal food.

I cannot speak too highly of the good conduct of officers and men; the cheerfulness with which laborious duties are performed, and the ready resources which conquer little difficulties, are worthy of commendation.

"Victoria" already presents the appearance of a considerable village; independent of public buildings there are 24 cottages and gardens, all comfortable, and some (especially the officers') very neat.

* * * * *

12 September 1839.

Many applications having been made to me by individuals desirous of resorting to Port Essington for the purposes of trade, and also one from a person anxious to make experiments as to the cultivation of the sugar-cane, I had the honour of several personal communications with his Excellency the Governor on the subject.

I trust the enclosed public notice will be in accordance with the spirit of the intention of Her Majesty's Government, and of their Lordships, and will meet their approbation.

I would, however, most respectfully beg to express my hopes that this measure will be speedily superseded by the sale of lands, and the establishment of Port Essington as a regularly constituted colony.

Looking at its fine geographical position, and daily hearing and seeing the interest which it excites, I cannot but form an opinion, that as soon as a permanent title may be given to its lands, they will be occupied with an avidity commensurate with their importance.

PORT ESSINGTON.

Notice is hereby given, that persons of respectability resorting to Port Essington for the purposes of trade will be permitted to occupy, for a period not exceeding seven years, town allotments, containing each about half an acre of land, within one mile of the pier at "Victoria," and suburban allotments of five acres each, within five miles of the same, on the conditions under-mentioned:

PORT ESSINGTON.

Parties desirous of availing themselves of this permission are requested to transmit written applications to that effect, addressed to me at the Harbour Master's Office, in Her Majesty's Dock-yard, Sydney, specifying the allotments they wish to obtain, and the time within which they will be prepared *bonâ fide* to enter upon the land, if approved.

The conditions are the following; viz. the lease to continue for a period not exceeding seven years, but renewable or not, at the discretion of the commandant or of Her Majesty's Government.

The payment of an annual rent, at the rate of 5*s.* per half acre; the lease to be determinable at any time by the commandant, on giving a twelvemonth's notice.

All improvements to be effected at the expense and risk of the lessee.

The lessee not to destroy or injure timber, &c. without previous permission.

(signed) *J. J. Gordon Bremer,*
Sydney, Sept. 1839. Commandant of H. M. Settlement of Port Essington.

Extract from Report, by Captain *Laws*, R.N.—Dr. Wilson's Book, page 153, on Climate.

"Now, looking at the number of deaths, and considering that every individual at both settlements are natives of Great Britain and Ireland, and that none of the officers, and not more than six of the men had ever resided within the tropics before, a tolerable estimate may be formed of the climate, which, I do not hesitate to say, is one of the best within the torrid zone; indeed, the difference we felt between it and India was surprising. We had no instance of sickness during our stay in these seas, though, I am convinced, had our people been as much exposed in wooding and watering in any part of either the East or West Indies, we should have had many cases of fever, if not of death."

Dr. *Wilson*'s own Remarks on Climate, page 156.

"As far as my own observations and experience go, I perfectly coincide in opinion as to the healthiness of the climate; I was accustomed to use a great deal of exercise, even in the middle of the day, which would have been extremely hazardous in India. When Captain Laws, Captain Barker, and myself, took an excursion to Croker's Island, we were occasionally up to the middle in water, and exposed for hours to the influence of an unclouded tropical sun. We rested during the night in an open boat, subjected to the nocturnal dew, and the greatest part of next day we were again exposed to the sun, yet none of us felt the slightest ill effects from the expedition. Had we acted in the same manner in some of the other tropical climates, we should not, in all probability, have lived 48 hours longer."

—No. 2.—

Copy of a LETTER from *James Stephen*, Esq., to the Colonial Land and Emigration Commissioners.

No. 2.
Letter from James Stephen, Esq. to the Colonial Land and Emigration Commissioners, 6 May 1840.

Gentlemen, Downing-street, 6 May 1840.

I am directed by Lord John Russell to acknowledge the receipt of your report, bearing date the 18th ultimo, on the subject of the settlement at Port Essington, on the north coast of New Holland.

Lord John Russell has attentively considered that report, and has weighed the advantages which you point out as likely to result from the maintenance of a British colony in that quarter. His Lordship is not prepared, on the information at present before him, to advise the Lords Commissioners of the Treasury to sanction an advance of 25,000*l.* in Exchequer Bills on the credit of the colony, in order to defray the cost of its early establishment; but he has proposed to the Lords Commissioners of the Treasury to sanction the appointment of an officer of engineers for that station, and ten men of the sappers and miners. If parties should apply for land at Port Essington, the terms which you propose are those which his Lordship considers that it will be proper to adopt.

I have, &c.

(signed) *Jas. Stephen.*

—No. 3.—

(No. 28.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government-house, Sydney, 30 January 1841.

No. 3.
Despatch from Sir George Gipps to Lord John Russell, 30 January 1841.
12 May 1840.

I HAVE the honour herewith to forward a copy of a letter which I received on the 27th December last from Captain M'Arthur, the officer in command at Port Essington.

I forward this document, as it contains the only information I have received from Port Essington since my Despatch of the 20th November 1839 (No. 155), was written.

The letter of the 14th April 1840, mentioned by Captain M'Arthur as having been sent by the schooner "Lullworth," has never come to hand; and I am as yet uninformed of the fate of Her Majesty's sloop "Pelorus," which was stranded at Port Essington in the month of November 1839.

I have, &c.,

(signed) *Geo. Gipps.*

Enclosure in No. 3.

Sir, Victoria, North Australia, 12 May 1840.

I HAVE the honour to acquaint you that the ship "Westbrook" arrived here from Sydney on the evening of the 10th instant. Encl. in No. 3.

I am happy to report that, since addressing your Excellency by schooner "Lullworth," *viâ* Isle of France, on 14th ultimo, the garrison here has continued in good health, although the weather has been by no means favourable.

The rains and continuous cloudy weather much retarded our progress in every object; but I more regret the failure it seems to have occasioned in our gardens, the young fruit falling off and the plants running into exuberant foliage. The melons have produced most fruit; but, when within a few days of maturity, despite of every precaution, the rats attack them; and thus as many, nay more, are destroyed, than we gather. However, the hospital has been uniformly and liberally supplied.

The south-east monsoon, I hope, is now confirmed, and bringing more favourable weather, with some improvement of temperature, which for the past month may be thus stated:—

$$\text{Mean}\begin{cases}\text{Maximum, } 89^\circ\\ \text{Minimum, } 79^\circ\end{cases}\text{Time}\begin{cases}2^h \text{ p.m.}\\ 5^h\ 30^m \text{ a.m.}\end{cases}$$

On the 17th April three Macassar prahas arrived, and sailed on 26th, having procured very little trepang.

On 30th April a solitary vessel came in; she proved to be from the vicinity of Macassar, and manned by a people described by Mr. Earle, "the Badju;"—they are a distinct race. This is a first experiment made by them to take turtle, in order to procure the shell.

I consider it may now be concluded that there is no hostility in the disposition or character of these people; on the contrary, I can assure your Excellency that, in their general conduct and manners, they are mild and inoffensive, manifesting a scrupulous regard to the regulations which had been adopted for securing a friendly intercourse with them; and they evidently placed the most unlimited confidence in us.

I am sorry to find that, to the westward (after quitting this port), they had an affray with the natives, when they killed one man and a boy, well known to us; but the natives seem to admit that the aggression was on their part. They evidently entertain a rooted hatred to the Malays, and perhaps to us also, but fear to express it.

In my former letter to your Excellency, I have alluded to the delay in our progress of building, from the deficiency of weather-boards. This arrival bringing none, is a severe disappointment, as the carpenter of the "Alligator" led me to conclude that a considerable quantity was actually ordered.

PORT ESSINGTON.

I hope this imperfect account of our present state may in some degree prove satisfactory to your Excellency, and I have the honour to subscribe myself

Your Excellency's, &c.,
(signed) *Jno. M'Arthur,*
Capt[n] Royal Marines, Acts Commandant.

His Excellency Sir George Gipps, Knight,
Governor, &c. &c. &c.

— No. 4. —

(No. 41.)

No. 4.
Despatch from Sir George Gipps to Lord John Russell, 5 February 1841.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government-house, Sydney, 5 February 1841.

WITH reference to my despatch, No. 28, of the 30th ultimo, I have the honour to forward a copy of a communication which I have since received from Captain M'Arthur, the commandant at Port Essington.

16 July 1840.

Your Lordship will be glad to find that all was well at the Settlement up to the 16th July last.

I have, &c.
(signed) *Geo. Gipps.*

Enclosure in No. 4.

Encl. in No. 4.

Sir, Victoria, North Australia, 16 July 1840.

THE ship "Gilmore" having arrived here from Sydney on the 12th instant, and departing immediately, I am much gratified in reporting to you the well-being of this settlement.

Since I had the honour of addressing your Excellency by Westbrook, on 12th May last, *viâ* Batavia, the weather has been extremely dry, and a cold south-east wind prevalent, which has had much the same effect on vegetation generally that the piercing north-east winds of England have there in the spring. Our garden produce has suffered; nevertheless, it is now evident that whenever we can spare more hands for this object, we shall cultivate, with some certainty, sweet potatoes, yams, maize, and such like, sufficiently for general consumption.

The pumpkins have failed of the crops I had anticipated; but experience will lead us to more successful methods of treating them; the maize failed in the old garden (exposed to these south-east winds), whilst a lesser quantity planted in a new garden to the westward has done well, being situate on the side of a lagoon, and in moist ground.

Our little fortification on South Head is now nearly completed, consisting of a breastwork towards the water, with a block-house and magazine, enclosed within palisades nine feet above ground; the whole (magazine excepted) built of timber.

I hope with the supplies just received to erect the hospital, and to prepare for re-establishing the church. In the course of building the block-house, some trees have been discovered that will provide excellent timber for this purpose; but our few mechanics render it rather tedious work.

The seamen have rebuilt the pier, but it is not now so strong as it originally was.

On Tuesday the 30th June, we were rather surprised, about eleven o'clock in the forenoon, by a considerable shock of an earthquake; it lasted about one minute and a half, and was undulatory in its motion; the air was still; I was in the house, and observed the window shutter (hung by the head) vibrated about two inches (it is three feet six inches high); the joints of the house cracked. I think it is a pretty general opinion that the action ran from south-east to north-west; I thought it came from the south south-west quarter; the atmosphere, all the morning, was close and oppressive, without any particular indication of increased heat by the thermometer, which was at 83°.

I will also notice, that since two remarkable meteors have been observed about midnight; both of them passed from west to east before exploding. They were of great magnitude, and produced extraordinary light.

I have, &c.
(signed) *Jno. M'Arthur,*
Captain Royal Marines, Acting Commandant.

To his Excellency Sir George Gipps, Knt.,
Governor, &c. &c.

PORT ESSINGTON.

TABLE showing the Mean Temperature of each Month for 1839, and the first Six Months of 1840.

MONTH.	Mean at 6 A. M.	Mean at 2 P. M.	Maximum.	Minimum.	Range.	REMARKS.
1839:						
January - - -	82·16	88·90	96·5	77·	19·5	
February - - -	80·60	89·07	96·	78·	18·	
March - - - -	80·80	90·58	94·	78·	16·	From 1st to 7th omitted.
April - - - -	81·09	91·95	95·	78·	17·	
May - - - -	76·50	88·60	94·	78·	16·	
June - - - -	75·41	85·79	90·	68·	22·	
July - - - -	70·70	84·36	89·	63·	26·	
August - - - -	73·19	85·90	90·	67·	23·	
September - - -	71·86	90·06	94·	69·	25·	
October - - -	77·76	91·63	96·	74·	22·	
November - - -	80·96	92·25	97·	76·	21·	
December - - -	81·00	91·48	96·	79·	17·	
1840:						
January - - -	79·20	84·62	94·	76·	18·	
February - - -	79·44	85·44	92·	77·	15·	
March - - - -	78·96	91·40	96·	76·	20·	
April - - - -	79·14	88·39	94·	76·	18·	
May - - - -	75·63	85·20	89·	73·	16·	
June - - - -	69·17	83·13	88·	64·	24·	

The Thermometer is situated in the house, about 40 feet above the level of the sea, and midway between the harbour frontage and the bay, which runs up behind Minto Head.

Jno M'Arthur,
Capt R. M. Acting Comt.

— No. 5.—

(No. 109.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government-house, Sydney, 7 May 1841.

No. 5.
Despatch from Sir George Gipps to Lord John Russell, 7 May 1841.

I HAVE the honour to report to your Lordship, that Captain Stanley, R.N., sailed from Sydney in Her Majesty's brig "Britomart" for Port Essington on the 4th instant, and that he took with him the "Sesostris," a vessel which was engaged to touch at Port Essington, and deliver supplies for the settlement on her way to China.

I transmit herewith a copy of the last Report which I have received from Captain M'Arthur, the Commandant at Port Essington. It is dated the 2d November 1840, at which time all was well at the settlement.

2 Nov. 1840. No. 1.

I also enclose a copy of a Memorandum on Port Essington, which has been transmitted to me by Captain M'Arthur.

Memorandum. No. 2.

Her Majesty's sloop "Favorite," Captain Dunlop, is now the only vessel of war on this station, and I expect her shortly to arrive at Sydney from New Zealand.

I have, &c.
(signed) *Geo. Gipps.*

Enclosures in No. 5.

No. 1.

To his Excellency Sir *George Gipps*, Knight, Captain-General and Governor of New South Wales.

Sir, Quarters, Victoria, 2 November 1840.

Encl. in No. 5.

I HAVE the hononr to acquaint you, that the schooner "Lullworth" arrived here from Coepang on 31st ultimo, bringing fourteen buffaloes out of forty-five that had been embarked; and two of those died since debarkation.

A person from this vessel informs me that Her Majesty's sloop Beagle had lately called at Coepang in much distress for water; happily no lives were lost, though many of the ship's company were extremely debilitated.

PORT ESSINGTON.

This settlement is progressing as well, I hope, as can be expected, with so limited a detachment. We have four in the sick list to-day; an unusual number, as for several weeks no more than one or two men have complained. This may be attributed to the effects of sudden changes of temperature now produced by the squalls of wind and rain, which are daily occurring.

The gardens have produced eighteen hundred pounds of vegetables, chiefly pumpkins, besides a considerable number of fine melons; and I hope to obtain a more regular supply hereafter; the sweet potatoe having by more attention to its cultivation greatly increased.

I was led to expect by Sir Gordon Bremer's instructions, that we might have had, about this time, another supply of provisions from Sydney, and I hastened the erection of another building for its reception.

We have at length found a clay which manufactures into excellent bricks, and in the course of a month as many will be made as are required for the walls of a store-house beneath the present hospital; the new building received for this purpose is not yet commenced, for want of assistance to clear the ground. Commander Chambers has recently complied with my request, and there is now a party of seamen at work. I expect that by the time our mechanics are at liberty to commence the hospital, the ground and materials for walling the basement will be ready.

I regret to say we are quite destitute of shoes and shoe-leather, and we shall, unless some relief comes, be equally in want of duck cloth, and every description of clothing.

The ship Indus and Ville de Bourdeaux anchored within Point Smith on the 19th September, communicated with us, and sailed on the evening of the following day.

I have, &c.

(signed) *Jn° M'Arthur,*
Captain Roy. Marines, Acting Commandant.

No. 2.

MEMORANDUM on *Port Essington.*

As the present season for communicating with Sydney may be deemed to be expiring, I have constrained myself (being much occupied at this period) to offer to your Excellency the result of some observations, very hastily cast together, concerning this portion of Australasia, and which I trust may not altogether be devoid of interest. If I be in this respect deceived, they really proving nothing worth, should you do me the honour to receive them at least as a testimony of my respect, a very good portion of my object will be obtained.

It must be highly desirable that every one who has opportunity should do what he can to promote the extension of a more practical acquaintance with, and a more certain knowledge of things as they are seen to exist; and thus it appears to me a great portion of this land of promise will be rescued from misrepresentation, proceeding from parties influenced by disappointment or prejudice, or much exaggerated by a few others, who, too sanguine, view the more distant advantages as proximate, just as objects afar off are seemingly brought near to the eye by artificial means.

I need not advert to its geographical position; that has been ascertained and elaborately described by others capable of doing so; my object is to attempt to produce what little additional information (very limited) has been collected regarding the character of the soil, produce and capabilities, and what we have learnt of the aborigines.

As scarcely two persons agree perfectly in the first impressions received from such objects, perhaps I ought to offer mine on entering this port. These first impressions often affect every after consideration, just as leaven will leaven the whole lump; and he is the most likely person to speak the plain unbiassed truth who is the most aware of this danger. Having committed to paper a few of my reflections on the occasion, I can repeat my unchanged thoughts. On entering this port every one about me, with the exception of a solitary instance or two, expressed disappointment at the aspect of the land, either side, low, and the peculiarly cold tint of the trees, their want of foilage, exposed white trunks, and absence of underwood, presented an unpromising and unfavourable picture. The sheet of water is splendid indeed. Hearing no very attractive observations, I ran below, hoping things would improve as we advanced. In about two hours I again ascended the deck, resolving to divest myself of every bias, and certainly was much gratified. The land westward presented some very pretty scenery, such as encouraged the hope that there was good soil, and fit for man to dwell on. I have noticed it as reminding me of running up Southampton waters at high-tide. As we advanced, more elevated land discovered itself; we passed some beautiful bays, clothed with richest verdure to the water; its brilliant green strongly contrasting with the clear blue. I now felt more content.

There is not much difficulty in landing, excepting at low-water spring-tides, when a formidable barrier of mud defies all intrusion. During the neap-tides, the rocks off some of the points offer convenient debarkation, and the beaches in most of the bays are approachable, where spots as solitary and romantic as the presence of the stork and dark groves can render them, may be selected.

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The soil about the immediate vicinity of the sea is nowhere available for any purpose, being a deep sand; and I suspect this circumstance has had the effect of producing an unfavourable impression of the general character of the soil; the prevailing opinion, too, that the land is flat and the interior forests impervious, is decidedly erroneous. It certainly cannot be termed a flat country, its surface being as diversified with hill and dale as many elevated lands called mountainous can be.

Here are two profiles, which are identically the same, A. B. and A. C. The first will most

generally be described as less hilly than the second, only because it is not elevated like it. Their surfaces undulate much at the same angles, and I have reasons to think that land is sometimes called flat that in reality has greater undulation of surface than other places called mountainous, only because of a small degree of elevation or inclination.

With these impressions and views, I call the land about this port hilly, as I believe there are elevations of 400 to 600 feet, and frequently from 100 to 300 feet.

The land may, from its nature, be classed in three divisions: first, the rising grounds; second, the more level and sloping land, connecting the first; and third, the valley, or meadow land.

The first is universally indifferent, frequently quite barren, abounding in iron stone and ferruginous compositions of a description perhaps unknown in other countries. The stone will be found in large masses, not far below the surface, imbedded in a dark brick-coloured substance, which is extremely tough and difficult to work out. Sometimes pieces of the stone are mixed with it, in a rotten state, easily breaking; these immersed in water become soft and slippery, like common loam.

The second division generally has a surface of about three to six inches deep, containing improved soil, being much mixed with vegetable matter; beneath this, a stratum of fine sand and brown earth, about two feet, and sometimes more, in depth. This soil is cold, and resembles clay; the great proportion of sand it contains prevents its binding together; and below this, the brick-coloured composition, containing more small stones; this runs to considerable depths; 25 and 30 feet we have bored.

The third division—the lowest lands cannot be anywhere throughout the Peninsula many feet above the level of the sea, and always terminate on the coast; hence the waters accumulated in the rainy season are carried off. Here we have, first, a foot or eighteen inches of dark soil, with a considerable portion of sand; then a stratum of white fine sand, of variable depths from one to three feet, where I have examined it; then the yellow and red ferruginous matters, as before. On boring for a well on one of these flats, behind the new garden, at 16 feet, the instrument was found to rest upon an indurated substance; when it was arrived at by driving the shaft, it was found to be a species of shale, resembling the surface of a beach, forming a conglomerated bed of about six to nine inches thick. As the water proved bad, we did not carry down the work deeper; but the tool brought up similar materials for ten feet below to those found above.

These valleys contain all the water holes and running streams, and during the rainy season no doubt all these portions of the land are overflowed.

Some of the hills, about five miles from Victoria, in a west-south-west direction, merit particular attention and examination. At one place we passed up a broad inclined plain, bounded on either hand by steep heights; these terminate gradually as their summits meet the top of the plain; breaking out at their sides is a stratum of rock parallel with the upper surface, which is formed of large cubical blocks of stone, as trap rocks are frequently seen so regular as to resemble an ancient wall; as we ascended, the soil decidedly impoverished. The trees in this dell were quite different to those upon the summits of the hills, being of the class found in the meadows, but of more stunted growth. On arriving at the top we found a deep water run, which evidently conducted the waters to the head of the plain, and thus they entered the valley beneath.

We now proceeded west-north-west, and entered upon ground of the most sterile description, entirely covered with a species of iron slate stone; but I understand the country west-south-west of the point we had just quitted is a beautiful natural garden, where the cabbage palm tree abounds in a very rich, deep soil, and, I suppose, watered from these hills we were now traversing. We passed over several undulations of considerable depth, and the land gradually improved, particularly when we commenced the descent, which finally brought us on the south-western shores of Knocker's Bay; nothing can be conceived more luxuriant than the grass and vegetation here; and now, at the termination of an extraordinary dry season, we fell in with a small stream of excellent water. I have since been to the southward, round the head of the harbour, where the land is of another character, being more level. I am alluding to those portions on the eastern side of what is called on the map the River Meander; from the lake there laid down to the opposite coast of the Gulf is only about five miles, reaching a plane which the natives call Bidgenalumbo, and to which they seem very partial. Nothing would be more simple and easy to accomplish than a canal from the head of this harbour to the Gulf; the main part of the work is already done.

With regard to the productions of this country, our predecessors seem to have indefatigably collected all that was worthy, but no doubt those who understand the science of

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botany might find many interesting objects yet unknown; no forest trees have been discovered in our vicinity that is calculated for building, or such like purposes. The varieties of green tree are either hollow and unsound, or crack and split so in seasoning, that no plank can be procured from any we have attempted. There is a species of grape that I have not observed spoken of, yielding a fruit which some think agreeable; no doubt will be improved by culture; and a shrub producing a green fruit, which for flavour is truly desirable, resembling the green gage; we have also an asparagus and cucumber. Esculent plants are rare; there is one, the root of which the natives are constantly eating, resembling the potatoe; some of our gentlemen consider them good. The cabbage palm is by far the most desirable; it can be ate in a variety of ways, but it is familiar to every one. I have no doubt that a native from the island who had been bred as an agriculturist, would discover many valuable plants here. A piece of sandal wood was exhibited to a native a few days since; he instantly recognized it, and gave the parties to understand that it could be procured five days' journey distance, by Bower's Straits, but we have never seen any of it produced. It is quite a mistaken notion, which has obtained with some, that our flowers are without fragrance, and our birds without song; some of the shrubs produce the most odoriferous flowers, as do several bulbous-rooted plants; and there are two remarkably fine birds that might vie with our thrush for song, and several small birds that would be much esteemed in England.

What may be the capabilities of the soil here, we have scarcely had opportunity of fully determining. A few persons who have professed to be experienced, have examined the land, and pronounce their opinion decidedly, that sugar, coffee, cotton, indigo and rice might all be cultivated; but these parties are unanimous in saying, that if the lower levels of land could be managed as I have described, by dams, &c., that rice must succeed. Our gardener appears to entertain some doubts of succeeding with the sugar; he judges by the growth of the few canes he has tried; but in ground and situations that I suspect an old planter would at once condemn. I conceive it will require skilful practical men to bring about the cultivation of sugar, coffee and cotton; I suppose indigo would be a valuable produce too.

There are situations within a convenient distance of Victoria, where water could be reserved on some of the lowest of the second levels, and consequently be made available for the lower level; and this last most generally falls by steps, so that the water is easily controlled. It appears to me that all the best timber is procurable only in Lieutenant Stewart's Strait to the south-east, but we have not yet sufficiently searched the east side of the harbour.

We really have learnt very little of the actual state, &c. of the aborigines; we have the same difficulties that I believe are experienced wherever we settle. They have never ceased to express eagerness after the possession of wearing apparel, and soon after the object is gained it disappears, and we never see it afterwards. They seem averse to our learning any thing concerning them; and, as others have observed, they prefer the adoption of some of our language, rather than we should acquire theirs; and, as others have remarked, if you repeat a word after them, and make any mistake, they will repeat it, and use it afterwards in your pronunciation. We feel much difficulty to account for the manner of their disposing of all the wearing apparel they procure; it vanishes instantly. It seems to be sent off by way of Bidgenalumbo, to the south-east, where they have communication with the islands; and a Malay who was left behind here, having resided amongst them for about eight months, says that there is a species of rajah away on the main, and an extensive community; a superior people; there all the Mambruals go. He professes to have visited this tribe, but has very little to say of them; he insists that the tribes about us are very inferior to them.

We can discover nothing whatever concerning their notions of a Divine Being; they do not appear to have a religious ceremony of any kind; during the days of Raffles Bay, they evinced extreme reluctance to have their women seen, and appeared offended at any attempt to approach the corpse of one deceased; whereas now the females come into the settlement without reserve; and a Mambrual will procure a good skeleton, all the parts of which they have a good knowledge of, readily separating bones belonging to different remains which were mixed together. By all this it would appear, that they must have undergone a considerable change in their views and feelings, and I should conceive that the difference between them and the tribes to the southward will not be found very material.

—No. 6.—

COPY of a LETTER from Sir *John Barrow* to *J. Stephen*, Esq.

No. 6. Letter from Sir John Barrow to J. Stephen, Esq., 10 May 1841.

Sir, Admiralty, 10 May 1841.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord John Russell, a copy of a letter from Captain M'Arthur, R. N., dated Victoria, 3d November 1840, reporting the state of that garrison.

I am, &c.

(signed) *John Barrow.*

Enclosure in No. 6.

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Encl. in No. 6.

Sir, Quarters, Victoria, 3 November 1840.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the settlement under my command is rapidly recovering from the effects of the destructive hurricane.

The various buildings are proceeding with, and a private marine of the Pelorus has succeeded in manufacturing bricks with a clay which has for some time been considered fit for the purpose; but our experiments hitherto failed from want of a competent person to burn them. We have now an admirable article for building, of which I mean to avail myself.

We had long discovered a fine bed of shells, which will not be exhausted probably for many years, and produces excellent lime.

The little garrison continues in good health and spirits.

I have, &c.

(signed) *John M'Arthur*,
Capt. R. Marines, Acct Commandant.

More O'Ferrall, Esq.
Secretary to the Admiralty.

—No. 7.—

(No. 296.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir, Downing-street, 27 June 1841.

No. 7.
Despatch from Lord John Russell to Sir Geo. Gipps, 27 June 1841.

I TRANSMIT to you herewith a copy of a letter from the Secretary to the Board of Admiralty, relative to the settlement at Port Essington; I also enclose a copy of the reply which has been returned by my direction to that communication. You will perceive it to be the wish of Her Majesty's Government, that you should continue to make any advances which may be necessary for the preservation of the settlers at Port Essington, and for preventing the entire abandonment of the place, until some account can be received from which Her Majesty's Government may be guided as to the ultimate retention or abandonment of it. The time has now arrived when it may be fairly judged how far it may be advantageous to retain that settlement; and I have to request, that you will obtain a report, with as little delay as possible, from the officer in command, as to its real state and prospects.

18 May 1841.

I have, &c.

(signed) *Russell.*

Enclosure 1, in No. 7.

Sir, Admiralty, 18 May 1841.

Encl. 1, in No. 7.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord John Russell, an extract of a letter from Captain Sir J. G. G. Bremer, of the Alligator, dated the 30th October 1839, respecting the grant of leases of land at Port Essington; and referring to my letter to you of the 28th of January 1840, and its enclosure on this subject, I am to request you will inform me if Lord John Russell has any instructions to give on this subject.

I am, &c.

(signed) *John Barrow.*

J. Stephen, Esq.,
Colonial Department.

EXTRACT of a Letter from Captain Sir *J. J. Gordon Bremer*, of Her Majesty's Ship Alligator, dated at Sydney, 30 October 1839.

BY my last despatch I forwarded a copy of the notice I had issued regarding the leases of land at Port Essington. This has caused considerable inquiry, but no actual determination on the part of individuals to avail themselves of the conditions offered in it. I confess I feel disappointed; but I find on inquiry that persons in this country, who can obtain land in fee-simple at a cheap rate, are not disposed to venture on the outlay of money on a permissive occupancy only. I confidently hope that this matter will speedily be settled by the sale of land in that promising portion of our colony; and in the anticipation of that event, as well as with reference to the great increase in the numbers of the Bughis traders, who will, I am certain, visit it, I would most respectfully invite their Lordships' attention to the possibility of an increase of the force on shore becoming speedily necessary; and as casualties must

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occur in all tropical positions, I take the liberty to express my opinion, that 100 soldiers would not be more than sufficient for duties which must be constantly on the increase, and to preserve a proper power over those whose numbers will be added to, each season.

Enclosure 2, in No. 7.

Sir, Downing-street, 24 June 1841.

Encl. 2, in No. 7.

I HAVE laid before Lord John Russell your letter of the 18th ultimo, inclosing an extract of one from Captain Sir J. G. Bremer, of Her Majesty's ship Alligator, dated the 30th October 1839, respecting the grant of leases of land at Port Essington, and requesting, with reference to your letter of the 28th January 1840, that the Lords Commissioners of the Admiralty may be informed whether Lord John Russell has any instructions to give on that subject. In reply, I am directed to request, that you will acquaint the Lords Commissioners, that his Lordship has not at present any instructions to give on the subject; but that he proposes to instruct the Governor of New South Wales to continue to make any advances which may be necessary for the preservation of the settlers at Port Essington, and for preventing the entire abandonment of that place, until some account can be received from which Her Majesty's Government may be guided as to the ultimate retention or abandonment of it. For that purpose, Lord John Russell will direct Sir George Gipps to obtain a report, with as little delay as possible, from the officer in command, as to the real state and prospects of the settlement. Lord John Russell further requests, that the Lords Commissioners will instruct some one of their naval officers in those seas to visit the station, and to collect any information which can be obtained regarding the state and prospects of it.

I am, &c.

Sir John Barrow, Bart. (signed) *Jas. Stephen.*

—No. 8.—

COPY of a LETTER from the Honourable *Sidney Herbert* to *J. Stephen*, Esq.

No. 8. Letter from the Hon. Sidney Herbert to J. Stephen, Esq., 10 Nov. 1841.

Sir, *Admiralty, 10 November 1841.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, the copy of a letter from Captain M'Arthur, Royal Marines, dated 26th February last, reporting the progress of the works at the new settlement "Victoria," North Australia.

I am, &c.

(signed) *Sidney Herbert.*

Enclosure in No. 8.

Sir, Victoria, North Australia, 26 February 1841.

Encl. in No. 8.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the garrison here continues to do well.

The last three months have been remarkable for rain, the gardens suffering considerable injury; and it has much impeded our general operations, particularly the buildings.

There is now a defensible fortification or duth-head, and a substantial stone-walled warehouse, upon which is fixed one of the wooden houses originally brought from Sydney, not erected before on account of a deficiency of weather-boarding.

I have commenced another store beneath the hospital, which stands on piles; these walls are built of brick, but the rains have overflowed the brick works for the present. I hope to renew this object in about three weeks.

The new hospital is now in progress. I applied to Commander Chambers for assistance to complete the necessary excavations in June last, (the excavation absolutely necessary in order to clear away the white ants) when he declined on account of his men having no shoes. Captain Kuper furnished a party for this purpose, until the hurricane diverted all my projects.

Being very anxious to urge on the prosecution of several works, especially storehouses for provisions, therefore on the 22d of September I again applied to Commander Chambers; and he afforded the aid required only on my consenting to comply with the regulations for Her Majesty's service at sea respecting extra pay.

By the time the hospital is finished, I hope we shall cut sufficient plank to repair the church, which is complete in its framing, excepting the roof.

The brig "Heroine" arrived here on the 22d instant, bringing 65 buffaloes from Coussang; and should the approaching monsoon produce more favourable weather on setting in, we shall have a considerable supply of vegetables.

Happily there is very little sickness amongst us, and in fact none that may be attributable to climate.

(signed) *Jno. M'Arthur,*

The Secretary to the Admiralty. Capt. R. M. Acts Commandant.

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—No. 9.—

No. 9.
Letter from Sir John Barrow to G. W. Hope, Esq. 10 January 1842.

COPY of a LETTER from Sir *John Barrow* to *G. W. Hope*, Esq.

Admiralty, 10 January 1842.

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, a copy of a letter from Captain M'Arthur, of the Royal Marines, in charge of the settlement at Victoria, North Australia, dated the 15th of May last, relative to the state of that settlement.

I am, &c.

(signed) *Jno. Barrow.*

Enclosure in No. 9.

(Extract.)

Government-house, Victoria, North Australia,
15 May 1841.

Sir,

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the detachment under my command continues in good health; the men conduct themselves well, and our friendly understanding with the natives I now believe is quite secured. Encl. in No. 9.

As the rains terminated abruptly not long before the "Pelorus" sailed, and we have had an uninterrupted course of dry weather, hot by day, with cold nights, it is a happy circumstance that only three cases (the first we have experienced) of febrile symptoms have manifested themselves; but these soon gave way to medical treatment. Considering the extraordinary position we are in, I have adopted every possible precaution (keeping every economy in view), and have provided an occasional change of fresh meat by purchasing pork, which I believe has been beneficial.

The merchant ship "Amelia," from Sydney, arrived here on the 11th instant, and the captain has been under the necessity of taking legal proceedings against one of his seamen, who is convicted of violent assault, and is sentenced to six weeks' imprisonment.

I have procured a cask of rum and a sufficient quantity of fine canvas to supply our present and absolute need, as I can learn nothing of any supplies being in progress of forwarding from Sydney, and many ships have passed us.

The Malays made their usual visit, the first arriving only three days after the "Pelorus" sailed; they are a quiet and inoffensive people; the only mischief they may ever do us will be by landing their arrack, which is of a most pernicious quality; but they have strictly complied with my interdict.

We had a slight shock of an earthquake at 5. 30. P. M. to-day, lasting about 40 seconds.

The gardens have succeeded tolerably well, notwithstanding the state they were in during the rains; and having attended chiefly to the cultivation of the sweet potatoe, they are quite established, and if it was not for the difficulty of securing them from the natives, and the want of more hands, they might now be extended to any amount; we find them to be of great benefit.

There is every reason to anticipate a long and severe dry season; I have therefore gathered in hay to supply the working cattle.

We are now employed in erecting the new hospital; when that is done I purpose endeavouring to finish the store under the old hospital, which work was suspended in consequence of the rains; no more bricks could be made. Commander Chambers would not consent to leave one of the marines of the "Pelorus" here, an excellent brick-maker, and who volunteered to remain; this must impede the progress, if it does not oblige me to relinquish so desirable an object.

Having but little writing-paper, I am under the necessity of delaying copies of my recent correspondence with Commander Chambers, which I am desirous their Lordships should receive, with my observations thereon.

I have, &c.

(signed) *J. M'Arthur.*

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—No. 10.—

COPY of a LETTER from *J. Stephen*, Esq., to the Colonial Land and Emigration Commissioners.

No. 10.
Letter from J. Stephen, Esq. to the Colonial Land and Emigration Commissioners, 17 March 1842.

2 Jan. 1842.
10 Jan. 1842.

Gentlemen, Downing-street, 17 March 1842.

I AM directed by Lord Stanley to transmit to you the enclosed copy of a report which his Lordship has received from Captain Sir J. G. Bremer, R. N., relative to the resources of Port Essington, and the advantage of maintaining the settlement. I also enclose a copy of a letter from the Secretary to the Board of Admiralty, with a copy of a report from the officer in charge of the settlement; and I am to request that you will endeavour to ascertain how far the mercantile interest would be prepared to support the scheme of a commercial establishment at Port Essington, in case the Government should decide upon the establishment of a permanent settlement there.

I am, &c.

(signed) *Jas. Stephen.*

Enclosure in No. 10.

Encl. in No. 10.

My Lord, Priory, Compton Plymouth, 2 January 1842.

I HAVE had the honour of receiving Mr. Hope's letter, written by your Lordship's command, desiring my opinion as to the eligibility of maintaining the settlement of Port Essington, on the north coast of Australia, and the probable extent of its resources, if it is continued. I have now the honour to obey your Lordship's wishes.

It may be well perhaps to advert briefly to the causes which originally led to the establishment of a settlement on that portion of Her Majesty's dominions.

The rapidly extending mercantile interests of New South Wales having led to the intercourse between that colony and the various islands in the eastern seas, as well as to the continent of India, advantage began to be taken of the passage along the east coast between the main land and the great belt of coral reefs which environ it, and also that outside this barrier. These passages, available during the south-east monsoon, are difficult; indeed the last named is ever dangerous, and it is probable that many merchant vessels have been wrecked, and the lives of their crews sacrificed by the savage natives of the surrounding islands.

The necessity, therefore, of having some port of refuge, was strongly impressed upon His Majesty's Government, and the subject received their serious consideration.

To this was added the extreme probability that by the establishment of a post on the north coast, a channel for the disposal of British manufactures might be opened, and a valuable trade with the island inhabitants established. I was consequently selected in 1824 to make this experiment, and took possession of the coast in His Majesty's name at Port Essington. I was however directed to make Melville Island my principal object; and on this spot I founded a settlement.

The position was not well chosen; the Malays did not visit it, as the "Trepang," their principal source of profit, is not found there; and after a period the garrison and stores were removed to Raffles Bay, to the eastward of Port Essington; and a very energetic commandant being selected, this settlement did well; several hundred Malays came to it; a trade was beginning to grow, when peremptory orders from home caused its abandonment, and great loss to the Malays, who came next year, with all their wealth, for the purposes of trade and of settling, when they found a wilderness.

Thus our possession of the coast remained until the wreck of the "Charles Eaton" merchant ship, and the horrible murder of most of her crew and passengers, again drew attention towards it.

Being convinced of the necessity for a settlement, I had written and spoken much on the subject. In 1837 I was again sent in command of an expedition, the result of which was the establishment of the settlement of Victoria as it now stands.

By reference to the map, it will be seen that the geographical position of Port Essington is one of peculiar character as regards the rapidly increasing intercourse between New South Wales and India. Forming a projecting point, it approaches within 450 miles of the Molucca Islands, and the valuable possessions of the Dutch in that quarter. Timor is 240 miles distant; Batavia about 1,000. About 180 miles to the north of it there is a chain of islands hitherto little known, and to which I will advert hereafter.

As a military position, I regard port Essington as exceedingly valuable; it possesses a harbour perhaps unequalled, certainly not excelled, by any in the world; a rise and fall of tide of 13 feet render it available for docks for vessels of large size, or for "heaving them down." To the eastward there is another harbour, to which the discoverers gave my name; if port Essington did not exist, this harbour would be called good. One mile and a half of pretty flat country divide these harbours. Perhaps there is not a more splendid sheet of water to be found than the port itself. The French circumnavigator, Admiral D'Urville, was struck with admiration, and pronounced it a superb basin.

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It appears, therefore, to be a position on which England should have her flag flying; and there can be no doubt that in the event of a future war, the existence of a port of supply and refit in that quarter would enable our cruisers to cut off all communication with China or the Islands by the eastern passages and straits.

It may also be regarded as certain that the period is fast approaching when steam communication by the route of Egypt to India will be extended to Sydney and New Zealand. The most direct route will be through Torres Strait, and this course offers the great advantage of a large portion of constant fine-weather passage. Port Essington will in this case naturally present itself, from its position, as a depôt for fuel, and a place of call where stores and refreshments would be procurable. Its importance under this circumstance is so apparent, that I need not dwell on it, further than to remark that it would most probably be found necessary to establish a settlement on the north coast for this very purpose if we did not already possess one.

Commercially considered, Port Essington has languished in consequence of the strict injunction laid on me by Her Majesty's late Government "not to encourage the permanent settlement of any of Her Majesty's subjects until further orders."

The sale of land, or the power of granting it, except on short leasehold tenure (an expedient I resorted to, but without effect), being thus denied me, the settlement languished; the powerful interest excited on my first arrival in Sydney died away; no merchant being willing to build or adventure except on certain and permanent tenure; and thus the accumulation of goods and the opening any thing like an extending trade was completely barred. Had it been otherwise, I do not entertain the slightest doubt that Port Essington would at this moment possess a very considerable mercantile community, and present that appearance of prosperity which I had anticipated.

The islands I have mentioned as lying to the northward produce bees-wax, tortoise-shell, cotton, tobacco. To the north-east of these are the Arrus, a cluster of islands, amongst which is a most valuable pearl fishery, and on which some of the finest timber I have ever seen is growing. An interesting, although brief, account of these and some other islands is contained in a report from Lieutenant (now Captain) Kuper, to which I would beg to refer your Lordship.

In the higher lands of Timor coffee of excellent quality is cultivated, and it possesses many other valuable articles of export. At Dilly, the settlement of the Portuguese on the north coast of that island, I saw large quantities of Sandal wood collected for the China markets; Chinese junks trade there, and there can be little doubt those industrious people will soon find their way to Victoria the moment there is marketable commodity to be procured. Nor does it seem unnatural to imagine that our merchants might soon establish an intercourse with the native independent chiefs of Timor, and thus throw open all the riches it most undoubtedly possesses.

The Malays from Macassar yearly visit Port Essington for the fishery of the "Trepang." Mr. Earl, in his letter dated in June last, mentions that they were then there in considerable numbers, and had unfortunately for themselves brought more goods for sale than they (the garrison) had money to buy, nothing in the shape of barter being in the possession of any of them. These people would have taken away a large quantity of piece goods and hardware, if any had been there, in exchange for their Trepang and tortoise-shell. Their extreme desire for cotton goods and tools, agricultural and handicraft, was shown when I was there; the chief of one of the prahus offered me six large bags of rice for a common cotton window curtain. With regard to the soil and natural productions of the Cobourg Peninsula, on which Port Essington is situate, I need not detain your Lordship, because I beg to forward for your information a copy of the Sydney Herald, in which is published an account of a journey undertaken by Lieutenant Stewart of the Alligator by my order, and which contains many interesting particulars.

From documents I collected at Sydney in 1838, your Lordship will observe that the tonnage of shipping proceeding from New South Wales to India by the route of Torres Strait, had increased in six years (viz. from 1832 to 1838) from 4,700 to 14,950, exclusive of ships of war; and I have every reason to suppose the increase has gone on in the same ratio. Many of these ships persist in taking the passage outside the barrier reefs, which is always most dangerous, and the liability to wreck, and its deplorable consequences, is constant. In such case there is no place of refuge between Sydney and Coupang in Timor, a distance of several thousand miles, except Port Essington. I regard this as a powerful reason why this or some other British settlement should always be maintained on the north coast; and I believe that the knowledge of our presence in their vicinity has already had considerable influence amongst the savage islanders in the straits. This was shown when the Britomart visited some of them; for immediately afterwards Mr. Watson, of the schooner Essington, by the most praiseworthy exertions, procured the release of John Forbes, who had been wrecked in 1825, and been detained amongst them for that long period of years.

There is, my Lord, another point which may be touched on; it is the extreme probability that a permanent and respectable establishment at Victoria would be the means of promoting the propagation of Christianity amongst the natives of the islands in the neighbourhood, who are already half civilized. I may remark that my first establishment in 1824, at Melville Island, caused the attention of the Dutch government to be drawn to that quarter. They accordingly sent from Batavia a man-of-war brig, called the "Dourga," for the purpose of visiting these islands, and after a lapse of 60 years, or more, of renewing the dominion, they affect to claim, from former occupation. The account of this voyage has been ably translated by Mr. Earl, who is now Malay interpreter at Victoria. Divesting the Dutch narrative of

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some misrepresentations, it possesses considerable interest. They found many who professed Christianity, and left missionaries on the islands Kissa, Moa, Lette, Roma and some others. I visited several of these in the Britomart in 1839. On Kissa I found a neat church, very like that in an English village, which had existed for more than a century, a community of 1,500 Christians (out of a population of 8,000), under a worthy pastor, Mr. Bier. On Moa, there were about 800. On Lette, not so many. Some were to be found on the other islands.

These poor clergymen had not received any accounts from Europe, or even Batavia, for more than two years, and their families were without common necessaries. It was with great joy that they heard of our having established ourselves so near to them, and earnestly requested they might be in communication with their brother minister, very naturally supposing that we had a clergyman at Victoria, and dwelling with gladness on the probability that his efforts, aided by our favour, would have great influence on the minds of the natives, and materially assist in the propagation of the doctrines of Christianity. Indeed, the result of my inquiries and observation amongst these islanders, induced a strong belief in my mind, that a few years intercourse with us would produce the gratifying effect of civilizing a large portion, if not the whole, of the population, which must amount to many thousands.

I may remark on the present condition of Victoria.

By very great labour, and at some cost, that place now presents well-constructed batteries, sufficient for its defence at present, storehouses, hospital, barracks, a pier extending to low-water mark, and in length upwards of 200 feet, a neat government-house, and several cottages belonging to the officers, and a very pretty church, erected from funds provided by the Society for Promoting Christian Knowledge. Its climate is so remarkably good, that Captain M'Arthur begins his despatch to me, in May last, "This little garrison continues in a state of perfect health." It would, therefore, seem impolitic to abandon a position possessing these advantages, and I entertain the strongest opinion that, if we withdraw from it, the Dutch, who well know its probable importance to them, would go there. French and American whaling ships have also found their way into those seas; and the traders, if not the governments, of both countries, are anxiously desirous of a port of refit, and for commercial purposes on the coast; this might produce unpleasant and difficult questions and international consequences.

I would venture to remark on the best and cheapest mode (in my opinion) of providing for its maintenance. I think that object may be attained by adhering, with trifling alteration, to the system under which it has been established, and which, perhaps, for several years, will be found sufficient for all its purposes.

I would propose the equipment of one of the old 42-gun frigates, with slightly reduced masts, twenty-four guns only, and 200 men, two 10-gun brigs, with 50 men each; and I would also add a certain number of boys, who rapidly grow in that country, and soon supply deficiencies in crew. I would propose 60 marines as a garrison, making in all a force of 360 men. The captain of the frigate receiving the actual appointment of Lieutenant-governor under the Government of New South Wales. The senior officer of the troops to act in that capacity in the event of the Lieutenant-governor's death or absence. A chaplain, a surgeon, a Malay interpreter, and a victualling and general store-keeper might thus complete the establishment, unless it was thought fit to add an engineer officer.

I propose the frigate because her capacity enables her to carry stores and necessaries for many months. The crews when in harbour would willingly employ themselves on the public works, making roads, &c., and I have always found them the very best sort of workmen.

The presence of this little force in that quarter would, I am convinced, have a good effect. The small vessels would be constantly gaining information in seas hitherto little known; they would always afford the means of communication with the various colonies in Australia, with Batavia, and all the immense archipelago of islands, and with India itself. In proof of the facility of this, I may mention that the Alligator sailed from Ceylon on the 1st February, remained near three weeks at Port Essington, and reached Singapore on the 24th or 25th April.

Whenever it is known that we have a respectable force on that point, and it becomes manifest that we are permanently established, I feel most perfectly sure that the industrious Malays and Chinese will flock to it. A commercial prosperity will rapidly spring up and grow; nor will it surprise me to find that in a few years it has become an emporium as valuable as Singapour.

I would therefore express my earnest hope that it may accord with the views of Her Majesty's Government to give that support to Victoria which I firmly believe it to be deserving of.

In the hope that in these remarks I have been enabled to furnish your Lordship with some of the information you are pleased to desire,

I have, &c.

The Right honourable Lord Stanley,
Her Majesty's Principal Secretary of State, &c.

(signed) *J. Gordon Bremer.*

— No. 11. —

EXTRACT of a LETTER from Sir *John Barrow* to *G. W. Hope*, Esq. dated Admiralty, 7 May 1842.

No. 11. Extract Letter from Sir John Barrow to G. W. Hope, Esq., 7 May 1842.

I CANNOT resist laying before you, and perhaps you will be kind enough to let Lord Stanley see it, the enclosed extract of a letter from Captain King, of Sydney, relating to Port Essington.

Enclosure in No. 11.

EXTRACT of a Letter from Captain *King*, R. N., to Sir *John Barrow*, Bart.

CAPTAIN STANLEY of the Britomart says the islanders (of the Banda and Molucca Sea) are delighted with our settlement at Port Essington. The place is rapidly improving; the gardens succeeding beyond belief. Pines, arrow-root, sweet potatoes, sugar-cane, bananas, pumpkins, maize, &c. &c., all thriving luxuriantly. Encl. in No. 11.

— No. 12. —

COPY of a LETTER from *J. Stephen*, Esq., to Sir *John Barrow*, Bart.

Sir, Downing-street, 17 June 1842.

No. 12. Letter from J. Steph[illegible], Esq., to Sir John Barrow, 17 June 1842.

I BROUGHT under Lord Stanley's consideration your letter of the 7th ultimo, with its enclosure, relative to the settlement at Port Essington.

At that period Lord Stanley was in communication with the Colonial Land and Emigration Commissioners, whom his Lordship had directed to ascertain, if possible, how far the mercantile interest would be prepared to support the scheme of a commercial settlement in that quarter, in case the Government should decide upon establishing a permanent settlement there.

Lord Stanley has received a Report from the Commissioners, a copy of which I am directed to enclose. From that Report it appears that the Commissioners have not received assurance of support in the enterprise from any members of the commercial body in this country.

7 June 1842.

Lord Stanley would be glad to receive from you any suggestions on the subject, and to be placed in possession of any recent information which may have been received at the Board of Admiralty relative to the state and progress of the settlement.

I am, &c.

(signed) *Jas. Stephen.*

Enclosure in No. 12.

Colonial Land and Emigration Office,
Sir, 9, Park-street, Westminster, 7 June 1842.

WITH reference to your letters of the 17th March and 8th April, containing information on the settlement of Port Essington and the neighbouring islands in the Eastern Sea, and with reference to the several interviews which have since taken place upon the sabject, we have the honour to report, that according to the directions we then received, we have made inquiry in various quarters which occurred to us for the purpose, and we regret to say, that we have not been able to learn that there are any members of the commercial body in this country who would be likely to wish to avail themselves of the existence of a British Government at Port Essington. On the other hand, if any disposition towards enterprise in that direction should exist at Sydney, as has sometimes been supposed, the commercial depression which has recently prevailed renders it unlikely that it should show itself at present. The suspension also of emigration to New South Wales must greatly diminish the number of large ships passing through Torres Straits towards China in search of freight. On the whole, we do not see the prospect of ascertaining beforehand that any particular parties would take an interest in and make use of the settlement at Port Essington. Encl. in No. 12.

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We apprehend, therefore, that the first question must be, whether it is desirable to maintain a government at Port Essington at any rate, and on its own account. If this question be resolved in the affirmative, the establishment would of course comprise an officer adequate to conduct a survey, whose first duty, we conceive, would be to lay out the site of a town. The town lots might then be offered to acquisition on perpetual rents, somewhat on the plan proposed in our former Report, of the 18th April 1840 (p. 3); and while we adhere to the opinion that the place should not be opened as an agricultural settlement, yet some provision might without difficulty be made for enabling parties who wished it, and made special application for the purpose, to acquire country lands on fair terms. The nature of the regulations could be made public, and if there were any persons who desired to try the capabilities of the settlement, it would then appear. But upon the details of these arrangements it would perhaps be premature that we should submit any views for Lord Stanley's consideration, until the preliminary question be decided, whether, under existing circumstances, a government shall be maintained at all at Port Essington.

We have, &c.

James Stephen, Esq. (signed) *T. Fred^k Elliot.*
Edward E. Villiers.

—No. 13.—

(No. 80.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley.*

No. 13. Despatch from Sir George Gipps to Lord Stanley, 5 May 1842.

My Lord, Government-house, Sydney, 5 May 1842.

BY Lord J. Russell's despatch of the 27th June 1841, No. 296, (p. 19), I was, in consequence of an application from the Admiralty, desired to obtain a report from the officer in command of Port Essington, as to the state and prospects of that settlement, in order to assist Her Majesty's Government in determining whether to retain or abandon it. His Lordship's despatch reached me on the 23d December last, since which time no opportunity of communicating with Port Essington has presented itself. But Her Majesty's surveying vessel, the "Beagle," which was at Port Essington in the months of August and September last, having arrived in Sydney, I communicated to the commander of her, Captain Stokes, the substance of Lord J. Russell's despatch; and I enclose herewith a copy of a letter which I received from that officer in reply.

19 March 1842. No. 1.

When Captain Stokes left Port Essington the settlement was well supplied with provisions, but beginning to be in want of clothing; I shall therefore forward them a supply of this latter as early as possible.

20 Dec. 1841. No. 2.

I further enclose an extract from a letter written to me from Western Australia by Captain Stokes, before I had communicated to him Lord J. Russell's despatch; and I have to add, that the last letter I received from Captain Stanley, of the "Britomart," contained the following passage:—"I left the settlement all well, and on the best possible terms with the natives (aborigines), who are now in very good order."

Captain Stanley's letter was dated from Singapore, 6th November 1841.

I have, &c.

(signed) *Geo. Gipps.*

Enclosure in No. 13.

No. 1.

Her Majesty's Sloop "Beagle,"
Sydney, 19 March 1842.

Sir,

Encl. in No. 13.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 17th instant, requesting my opinion as to the expediency of still maintaining or abandoning the settlement at Port Essington. I can only say, that every thing I have heard and seen of that place greatly favours maintaining it.

The present state of the settlement very nearly approaches that of Raffles Bay, when it was given up; the flourishing state of the latter at the time was so great, that Captain Barker (Commandant) was almost induced to disobey the orders for abandoning it.

The

The advantages likely to be derived from Port Essington as a trading port, depend on the number of its inhabitants; I would, therefore, strongly recommend encouraging immigration from the islands of the Arafuara Sea, the atmospheric temperature being too high for Europeans as labourers.

The benefit of Port Essington as a harbour of refuge for shipwrecked seamen in Torres Straits I have witnessed a few days previous to our last arrival there; the crew of the "Montreal," an English barque, lost in Torres Strait, arrived in two small boats. Had they been obliged to have gone as far as Timor, in all probability they would have met with a watery grave.

Port Essington will enhance the value of a settlement on the Albert River, in the Gulf of Carpentaria, and will also afford a snug retreat for the surveying vessels about to be employed in Torres Strait, a work of many years.

I have, &c.

His Excellency Sir George Gipps, Knt.
&c. &c. &c.

(signed) *J. L. Stokes.*

No. 2.

EXTRACT of a Letter from Captain *Stokes*, of Her Majesty's Surveying Vessel, the "Beagle," to Sir *George Gipps*, dated Western Australia, 20 December 1841.

BOOBY ISLAND was re-visited in the first week in August for a chronometic departure, and Port Essington in the middle of the same month; this was a period looked forward to with deep interest, and not a little anxiety. We were, however, happily relieved from the latter, by finding the settlement in such a flourishing state, one that will ever reflect the highest credit on the hardy few that have laboured so earnestly in its advancement.

Fate appears to have decided, that the name of M'Arthur shall be handed down to posterity as being the chief supporters of our young colonies, in both South-east and Northern Australia. Nature has greatly assisted our young colonists in concealing the devastation of the late hurricane of November 1839. The trees were covered with a profusion of foliage that quite hid their shorn limbs. The season and nature of the soil were now better understood. Arrow-root, sugar-cane, pines, melons, sweet potatoes, bananas, and a variety of others I could mention, were growing luxuriantly in the gardens; a team of working bullocks, imported from Sydney a year ago, although used daily, were in excellent condition. An Englishman, with his wife and family, were shortly expected from Batavia as settlers; his object was to trade with the neighbouring islands in a small vessel. Part of the welfare of our young colony may be justly attributed to the tact and excellent judgment of the late commandant of Raffles Bay, the unfortunate Captain Barker, who so thoroughly gained the confidence of the aborigines, from whom the Essingtonians have ever received many proofs of friendship.

A short time previous to our arrival, the Britomart, Captain Stanley, had returned from a trip to the islands, who informed me that he might have half filled his vessel with emigrants from the islands he visited. It is deeply to be regretted he had not the power to have brought them to Port Essington; for the jaded colourless faces of the Essingtonians told too plainly that the atmospheric temperature of Northern Australia is too high for the European constitution.

The trade with the Macassar prahus that visit the settlement is not very considerable; the principal articles of trade consist of rice, sugar, Macassar cloths, salt fish, &c.; fourteen prahus is the greatest number they have had at one time in the harbour; many others anchor in the bays near, and send their boats in with goods for sale. These prahus are fitted out by Chinese at Macassar to fish for trepang; and as they are obliged to carry a great quantity of provisions for their large crews, they have not much room for articles of trade. Several of the hakodahs, or masters of the prahus, have expressed a wish to abandon the fishing, and occupy themselves solely in trading with the settlement. In this they have not been encouraged; for until the place is laid open, or possesses a larger population, such an act might entail loss upon them.

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— No. 14. —

(No. 226.)

EXTRACT of a DESPATCH from Lord *Stanley* to Sir *George Gipps*, dated Downing-street, 26 December 1842.

No. 14. Extract Despatch from Lord Stanley to Sir George Gipps, 26 Dec. 1842.

I HAVE received your Despatch, No. 80, of the 5th of May last, relative to the state of the settlement at Port Essington. From the length of time which had elapsed since you had found an opportunity of communicating with Port Essington, the reports contained in your despatch were necessarily defective in that general information which had been desired.

I should wish you to take occasion from time to time to examine and report on the state of that settlement.

— No. 15. —

COPY of a LETTER from Sir *John Barrow*, Bart. to *J. Stephen*, Esq.

No. 15. Letter from Sir John Barrow to J. Stephen, Esq., 7 Dec. 1842.

Sir, Admiralty, 7th December 1842.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, a copy of a letter from Vice-Admiral Sir W. Parker, dated the 18th of August last, No. 167, with the copy of a letter from Commander O. Stanley, of the Britomart, and a detailed report from Captain M'Arthur, of the Royal Marines, respecting the settlement of Port Essington; which latter papers being in original, my Lords request they may be returned to this office when done with.

I am, &c.

(signed) *Jno. Barrow.*

(No. 167.) Enclosures in No. 15.

Sir, Cornwallis, off Nanking, 18 August 1842.

Encl. in No. 15. IN obedience to their Lordships' directions, in their secretary's letter, No. 33, of the 28th of June 1841, to call upon the officers employed in the protection of the settlement at Port Essington, for a report regarding the state and prospects of it, in compliance with the desire expressed by Lord John Russell, in his letter of the 24th June;

I have the honour herewith to transmit, for the information of Her Majesty's Government, the copies of a letter which I have received from Commander O. Stanley, of Her Majesty's brig Britomart, and of a very detailed report from Captain M'Arthur, of the Royal Marines, Acting Commandant of Port Essington, which afford the best account I am able to procure on the points desired.

I have, &c.

The Secretary of the Admiralty. (signed) *W. Parker.*

(Enclosure, No. 1, in No. 167, 18 August 1842.)

Sir, Britomart, Moulmain, 22 March 1842.

I HAVE the honour to acknowledge the receipt of your letter, dated 31st October 1841, with its enclosures, relative to the state and prospects of the establishment at Port Essington, and requesting information relative thereto; this information you must, I conceive, long ere this, have obtained, from the letter forwarded from Captain M'Arthur, R.M., the Acting Commandant at that place. I am not aware of the nature of his statements; yet, from his lengthened residence there, I should conceive him to be the person most capable of giving a detailed account of its state and prospects.

From my own experience, I should say that Port Essington is decidedly a healthy place; yet I do not think any European could remain for a long period without feeling the effects of a tropical climate.

With respect to its soil, I beg to remark, that although there are many patches fit for cultivation with but little labour, yet, upon the whole, I should pronounce it to be rather unproductive.

The establishment has certainly on one occasion been of service, as affording shelter and protection to the crew of the "Montreal" British merchant vessel, wrecked in Torres Straits; they having come a distance of 500 miles in two small open boats, and had there not been any establishment

establishment on the north coast of Australia, they would have been compelled to have gone 400 miles further, in order to reach Copang, the next nearest European settlement, where they could have obtained the necessary assistance.

I have, &c.

Rear-Admiral Sir Wm. Parker, K.C.B.
Commander-in-Chief, &c. &c. &c.

(signed) *Owen Stanley.*
Commander.

(Enclosure, No. 2, in No. 167, 18 August 1842.)

To his Excellency Sir *J. J. G. Bremer*, K.C.B. and K.C.H., Commodore First Class, Naval Commander-in-Chief, India.

Sir, Government-house, Victoria, 3 September 1841.

SINCE I had the opportunity of addressing your Excellency, on the 10th June last, I am happy to say every thing here has progressed satisfactorily. I herewith enclose extracts from my diurnal observations, containing such occurrences as I deem worthy of notice. I could not accomplish this before from want of stationery, and the Sesostris being here so few days denied me the time requisite for collecting the parts.

Enclosure A.

I mentioned to your Excellency the arrengements made with Captain Stanley on his visit to the islands, which I was the more anxious about after reading in the Commissioners' Report their opinions respecting labourers for this settlement; and I instructed Mr. Earl to collect all the information he could on this point. I have the honour to transmit a copy of his interesting Report, which can derive no advantage from any observations of mine.

Enclosure B.

I shall now proceed to offer to your Excellency some details of our progress here.

State of Health.

State of Health of the Men in Garrison:—This subject, considering how we were left, has not only commanded my attention, but has also induced considerable anxiety.

About the middle of April, when the rains had almost entirely ceased, we had two cases of intermitting fever, and three or four others of diarrhœa and scurvy; one of the latter rather severe. The fever was slowly subdued (I believe Mr. Whipple was deficient in necessary medicines); the subjects of it were our senior serjeant and a corporal; on recovery they returned to duty, but soon relapsed, suffering more severely, and by the end of May again became convalescent, but did not appear to be in a confirmed state of health. I therefore (consulting the medical officer) resolved on trying change of air for them, and they were removed to Observation Cliff; it is visible from the settlement, and convenient signals were established.

By 31st May five convalescents were landed there, and all appeared to benefit by the change, except the scorbutic patient. On the Britomart's arrival (8th June), I directed their return to quarters. I did not expect Commander Stanley's presence until the end of June. At this time I was confined to the house myself from the effects of a cold produced by my being upset in a canoe, and having no change of raiment, on first visiting Observation Cliff to determine a site for the tent.

The most common disorder amongst us is an obstinate ophthalmia, attributable probably to the high and sharp winds prevalent since the monsoon commenced. There have been also numerous instances of slight diarrhœa and incipient bowel complaints, most frequently remedied without entering the hospital. The men were very much refreshed by the porter brought here in the Sesostris, especially a few individuals of scorbutic habit.

I have felt much gratified at observing that regularly once a week the people partake of active amusement with the bat and ball. One man about six weeks ago undertook the pedestrian feat of gathering 100 stones, placed one yard apart, in an hour; he accomplished it in 54 minutes; and I have since had an opportunity of comparing the physical strength of the detachment with that of the crews of the Britomart and Beagle. We had a holiday and invited them on shore to enjoy the recreation which rural sports afford.

The wrestling and running prizes were all won by the garrison; nothing could exceed the good order and harmony in which the day was merrily spent. There is only one patient in the hospital, a case of diarrhœa, now recovering.

The Works.

The Works, since the departure of the Pelorus.—(March 17th), the new hospital has been erected, and at this moment only requires the finishing of the cabins (two of the sets nearly done), with 22 feet flooring of the body of the building, and one-half of the galleries, there not being a sufficiency of flooring-boards; this default has arisen from our having first completed the storehouse, of which we had literally nothing but the frame and shingles.

We had also to manufacture 175 lbs. of nails, and to cut 2,500 feet of batten for the building. I hope to remove the medical establishment into it by the end of this month.

Before the rains commence, I expect the old hospital, with its brick-walled storehouse below, will be ready to receive provisions. By perseverance, and encouraging one of the party who had assisted the brickmaker of the Pelorus (Captain Chambers declining to leave him behind), we have succeeded beyond my expectation in producing bricks of a quality evidently superior. After this storehouse is finished, I imagine we shall be well secured for all weathers, and we shall hear no more of damage unless under some unforeseen circumstances. I suppose we shall not hold so large a stock of provisions here again in the course of ordinary events.

I am now erecting a kiln for charring timber. We have had no coals since the Alligator sailed in June 1839. The stock then left was three barrels only, but it appears to me from the

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the inefficient work done for the Pelorus, that coals should be reserved here for such like emergency.

We make our lime and bricks at the head of Wungee-wungee Cove, having a good cart-road to it; these objects continually employ from four to five men.

The blockhouse is in every sense defensible, but the casing on one side, and various internal fittings are yet incomplete. Government-house will require to have the roof and walls secured, the ends of the tie-beams having started; when Captain Chambers left, I found it seven inches and a half out of level, and the pillars beneath so imperfect, that they have been rebuilt; the struts which, at my desire, he placed against the walls, he had removed, which must have caused more separation from the ties.

The blacksmiths are chiefly employed making nails, pointing masons' tools, and fitting the iron-work for the buildings, which I have deemed requisite, considering what we have unhappily experienced; the wheelwrights also make heavy demands upon them occasionally.

The sawyers kept steadily at their work until about eight weeks ago, when their services were required elsewhere; they are now resuming their proper labour, cutting plank for the block-house.

The Garden.

The gardens have produced well; we have cut nine very fine pines; fifty-five bunches of bananas, some of them containing six dozen each, of excellent flavour. The cocoa-nuts do not seem to thrive. The orange has not yet bloomed; two lemons, of large size and well-flavoured, have been gathered, and there are many coming forward on two of the trees.

Melons decidedly degenerate, but having received some new seed from Sydney, I hope to improve them by giving some attention in selecting and reserving the fruit intended for seed. But I am told that this is an universal complaint of this plant.

Sugar-cane will doubtless answer well here; all visitors, who appear acquainted with its properties, speaking well of our grown specimens, and they have not been at all attended to.

Indigo, and the cotton, though totally neglected, have attracted much attention.

The soil appears to be peculiarly favourable to arrowroot. I have made some, and it proves to be of an admirable quality. We have more than sufficient, I hope, to supply our hospital, and the next year's crop will be (if as successful), at least, tenfold more.

Two bread-fruit plants were brought here from the islands about 12 months since, and I have given them much attention; but am very doubtful if they will spring. We have also two mangoe plants; but they do not grow, and the loquat has failed. I must remark that it has been a considerable disadvantage to the pursuits of gardening that I have not had time to devote, or the hands requisite to apply to it. There are too many objects to be effected with so limited a detachment.

A few seeds of the Amboyna pea, discovered amongst some maize landed from a vessel, succeeded beyond all expectation. When served at table we generally deemed it quite equal to the common kinds of green peas; since its introduction all the species of island beans and calavances have been discarded, and only valued on account of their beautiful foliage and splendid appearance when in blossom, producing a large cone of flowers, in colour and form resembling the well-known may-duke. It is curious that none of the live stock will eat any of these productions, not even when intermixed with other food that is acceptable to them.

We have now, by supplying the ship's crews, exhausted our stock of potatoes; it would have served the garrison very well until the next rains. This is decidedly our most profitable vegetable; it will always be cultivated with the least labour. We have not had a satisfactory trial of the yams, but are fully prepared for it on the approach of rains.

I regret having miserably failed with the potatoe onion, introduced also from the islands. I purchased and planted 80 pounds, and only saved a few for the sick, with about one pound reserved for seed. They were put (by advice) in the ground in December, and the continuous wet weather completely destroyed them.

I purpose this season to extend the potatoe plantations. Indian corn and Amboyna peas will also merit attention.

I have only employed two men for the last three months as gardeners; their attention is now directed exclusively to watering the plants, and watching against depredations.

Cattle.

The cattle during the dry season demand more attendance than we can possibly provide; they are constantly straying; a party must immediately pursue, for if left too long, they become perfectly wild; it has been found necessary to confine them for weeks, in order to produce more tractability before they ranged again. The buffaloes have been very sickly since March, and gave me considerable anxiety, they are well attended to and moved from place to place; but the distemper has baffled every attempt to subdue it, and a great proportion of them have died.

It seems there is a considerable risk in importing buffaloes, sheep and goats; they will eat (during the dry season) the shrubs, and many of these contain matter of a deleterious quality. In the sheep and goats it is most active. In a few hours the body swells to an enormous size, and the animal dies apparently in great agonies. I believe the timely administration of proper purgatives would greatly counteract such effects, but we have not the means to give the experiment a trial. The buffalo lingers for many weeks. A post-mortem examination, frequently made, has afforded proof that the kidnies and liver are the parts most diseased. The flesh appears, in many instances, disgusting.

Sheep.

The sheep last received were carefully penned, and attended to, being dry-fed as on board the ship, with the addition of a small portion of grass. After gradually introducing green food, it was thought safe to allow them an hour's walk; evil symptoms appeared during the night,

night, and although prompt attention was paid to them, by the morning three were dead, and several others too ill to give us any hope of their recovery.

The same precaution was observed with 16 island sheep from Timor, yet seven of them died, in the course of three days, from the same cause.

Our working oxen have now been sustained, for nearly three months, almost exclusively on hay, which was carted in May last. It is excellent, and is a species of grass I do not remember to have seen before, bearing large seed, not unlike an oat, and is found on the best patches of land, where it is not swampy. We have sufficient to sustain our cattle until the next rains.

It is much to be regretted that there seems to have been some mistake in selecting cows to send here from Sydney. The preference has been given to those in calf; consequently the slightest accident at sea endangers them, or perhaps ensures their failure. This occurred with three shipped on board the Gilmore, under charge of Mr. Drury. Young cattle, I think, would be more successful. We have already a fine bull, and but one cow, from the islands, and is of a small breed. She has borne one calf, which died from some unknown cause, after attaining to a considerable size, and I believe the cow had driven it off. It is worthy of remark, that the oxen have never suffered in the way I have described the buffaloes do. They have always been healthy, and I consider it will be of great advantage to abandon the importation of buffaloes, and substitute the small ox, which I have described.

Mr. Earl, now going with Captain Stanley, I shall commission and instruct to make such a purchase, if he has a favourable opportunity.

Natives.

The Natives.---They suffered severely during the last season from catarrhs, inflammation of the chest, and ophthalmia. These poor creatures bury themselves to the neck in sand, near fires, during the cold nights; and we observe that in inflammatory disorders of the bowels or chest, they use warm sand baths, and scald with fire externally. The children have been much afflicted in this manner.

We had proof last month that their feelings towards us are becoming more reconciled, and that there is a disposition arising amongst them to seek for our adjudication in redressing private wrong.

One of the women (Alligator's wife), during her husband's absence, persisted in roasting some shell-fish on the fire made by another man, who was intending to occupy it in the same way. He denied her; she persisted, in a great fury; he seized a stick, and by one blow on the temple felled her to the ground; but happily, after a few minutes' suspension of all her faculties, she recovered. Alligator returned, and on hearing what had occurred, immediately came to me, and made his complaint. He was greatly excited, and breathed vengeance against his countryman: he must be flogged and imprisoned. When he perceived that I meant to interfere, his countenance beamed with satisfaction. The man was formally arrested, and put into confinement until the next day, when all parties were to be heard. Early in the morning, a considerable number of natives presented themselves, and Alligator came forward, with a very serious expression of face, and begged I would release the prisoner, as he now believed he did not intend to do his wife so much mischief; he was a friend; very good (patting him on the shoulder). They were evidently very anxious to have him pardoned. The prisoner declared he had received great provocation, and he was sorry for having struck the woman. All this I had fully anticipated; for their violence is a mere ebullition of ferociousness, and it speedily subsides.

I regard such acts as harbingers of union to us, and therefore the fact is invested with an interest that would not otherwise have excited much attention. It shall be my duty to encourage all such approaches by every means.

I regret to see these people ensnared into habits of smoking tobacco, as I conceive it induces, at last, a love for ardent spirits. At present there is little danger; but by the time this evil is open to them, I fear they will fall an easy prey.

I perceive, Sir, that the aborigines of the southern dependencies are allowed annually a certain quantity of clothing. If this boon could be extended only to the limited tribe with which we are more immediately in contact, I think an equivalent in labour could be obtained, and it would quickly unite these people to us; and nothing would gladden my heart more than to be instrumental in any way of ameliorating their condition. On better acquaintance, we have discovered many traits of character in them, exhibiting affection and sympathy. In their domestic life, I have myself witnessed instances of conduct of the most humane tenderness.

I have, &c.

(signed) *John M'Arthur*,
Captain Royal Marines, Acting Commandant.

Enclosure (A.) in No. 15.

EXTRACTS from DIARY.

March 19th. Five Macassar prahus arrived; they anchored off Point Record, and proceeded to their work; the Nokadars came up to the settlement; they have experienced another very bad season; this party remained until the 25th.

On the 27th a solitary prahu entered the harbour, and proved to be commanded by an old acquaintance, Salong, an interesting person, of manners superior to the generality of his

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his countrymen. Finding how unsuccessful his predecessors had been, he departed the next day, with the intention of joining them in the little harbour of Limpa-piu, in Trepang Bay.

April 1st. Two canoes came in from the bay, bringing a considerable quantity of rice and various small articles of Chinese earthenware, a few cloths (sarangs), mats and baskets; they requested permission to take shelter under our boat-shed, and appeared much gratified at the success of their application. They remained until the afternoon of the 3d, conducting themselves in the most peaceable and orderly manner.

On the 4th, at 2 P. M., a fine Malay canoe arrived, and a prahu was descried off Table Head. The people landed, and said they were come in to fish. I had them informed of the failure of their friends, which induced them to stay proceedings until the Nokadar should come up; a second prahu was seen advancing, when a heavy squall caused the leading vessel, then inside Point Record, to put round, and she anchored with her consort. On perceiving this, the people on shore jumped into their boat, and pushed off from the pier. The Nokadars came up early the next day, and held frequent communication with us afterwards, selling rice and other stock; the large boat, which had been brought from Macassar in frame, and was put together in the Gulf of Carpentaria, with all her equipments, found a purchaser here, selling for about 8*l.* sterling. This party remained until the 7th, sailing at daylight, and on the 13th the natives came in from Limpa-piu, and reported that the Malays had finally left the coast. It appears from their own account, that they were 31 in number. I have thus sketched out the movements of these people for the purpose of demonstrating to your Excellency their confidence in our protection; they also benefited by various little services which I was enabled to render them.

We were informed generally that there had been unusual rains throughout the coast; that in the Gulf of Carpentaria, when out of sight of land, they obtained fresh water alongside, and they believed the rivers in that vicinity were of great extent, but said they are inaccessible to ships, being barred with mud banks, stretching far out.

It appears they do not unfrequently meet with sad disasters by tempestuous weather, and they relate that the piratical vessels are sometimes driven down on the coast, wrecked, and often cut off by the natives.

This season one of their own number was upset by a sudden squall, and with much difficulty the people saved themselves, having a canoe in tow at the time. They landed on a flat, desolate island, affording no water, west of Cape Wessel. Five of the crew ran off with the boat, and, reaching the other prahus, related the misfortune which had befallen them, and their comrades.

No relief could be afforded, as the prahus will not beat to windward. They therefore pursued their course, contenting themselves with the hope that those still in the rear might rescue the unfortunates; and so it happily occurred, as we learnt by the last prahus that called here, after suffering severely. They speak of the different tribes of nations as varying much in character and disposition, and appear to be on terms of amicable intercourse with those in the Gulf; but those along the shores of the north coast, and especially in the vicinity of Cape Wessel, they have a rooted aversion to.

We could not prevail upon the Malays to barter, as was done formerly; and after much hesitation, it was admitted that they could not, as the property would assuredly be seized. They evidently spoke under that species of restraint which will evince itself when a man is influenced by fear of a tyrannical master.

May. No rain after the first week in May; hay cut and carted; last year not accomplished until July, on account of rains.

11th. The merchant barque Amelia arrived; from her I obtained some stores, rum and canvas, with a variety of private stock, much needed by us for common comfort. By this vessel we learnt that Captain Stanley was coming on in June. One of her crew was cited before the bench of magistrates for an assault, and being convicted, was sentenced to six weeks' imprisonment in default of fine.

18th. The natives distinctly informed me that a vessel had lately stranded in Van Diemen's Gulf, they say with two masts and many guns; that the people got on shore, pitched tents, fortified themselves, and would have no communication with them. Two large boats were gone from them to the westward; "plenty of bread and mambruals," (clothes), washed up on the beach.

20th. Mr. Earl started for the Gulf, in our boat, to determine if there were any truth in the statement, and on the 24th, at 4 P. M., he returned, feeling himself too ill to proceed. He has been no further than Limpa-piu, and now says he thinks the boat cannot be worked round Cape Don. I am happy to say he is not very ill.

June 5th. Arrived Her Majesty's ship Britomart; latest letters from England dated 1 August 1840.

15th. About three P. M. it was reported that a boat under sail had reached Table Head, and was coming up. Our suspicions that a vessel had been wrecked were soon confirmed. Another boat hove in sight; these conveyed the captain and crew of the barque Montreal, from the wreck of that vessel, stranded on one of the shoals, on the very western extremity of Bligh's Farewell. She left Sydney May the 14th, and reaching Bligh Entrance, latitude 9 degrees 25 minutes south, passed through, on Sunday, 6th June, at four P.M., Mulgrave Island south, distant 10 miles. Monday the 7th, about half-past three A.M., the vessel struck on a reef, having run from Mulgrave Island, about 80 miles. On Tuesday, 8th, finding the vessel must become a wreck, at six A.M. got out the boats, and after preparing for the voyage, made sail and reached Port Essington on the 15th, only suffering in a slight degree from exposure to the sun.

18th June. Her Majesty's Ship Britomart sailed on a cruise to visit the islands of the archipelago. Mr. Earl accompanied Captain Stanley, and we embarked the convalescents, to give them a change of air.

13th August. Britomart returned all well.

20th. Her Majesty's Ship Beagle arrived from the Gulf of Carpentaria; the accounts I have received of their discoveries coincide well with what the Malays stated, but she has not been on their ground yet.

24th. Arrived the barque Actress from Sydney, only 15 days out, bound to Lambock; she made what is termed the middle passage, entering the Barrier near Bligh's Passage, in about 12 degrees 40 minutes south; she sailed again on the 25th.

(signed) *Jno. M'Arthur,*
Capt. R. M., Acts. Commandant.

Enclosure (B.) in No. 15.

Mr. *Earl's* REPORT.

Sir, Victoria, Port Essington, 30 August 1841.

I HAVE the honour of reporting to you the information I obtained during my late excursion in Her Majesty's ship Britomart to the Arru and Ki Islands, Banda, Amboyna and the Serwatty Islands. The particulars I gained concerning the customs, &c. of the aborigines, though perhaps interesting, would swell this account so considerably, that I will confine my remarks to those points more immediately connected with the interest of the settlement.

We arrived off the south end of the Arru Islands on the morning of the 21st of June, after a passage of 48 hours, from Port Essington, and anchored off the town of Dobbe on the following day.

Arru Islands. The Arru Islands extend from north to south about 100 miles, but the eastern side of the group not having been surveyed, its limits in that direction are unknown; the land is only a few feet higher than the level of the sea, except in spots where patches of limestone rock rise to the height of about 20 feet; but the immense trees which cover the face of the country give it the appearance of being much more elevated. The inland parts of most of the islands consist of fresh water swamps, and the jungle is so thick that it is seldom penetrated by the natives; the communication between the different villages, all of which are erected on the sea-shore, being carried on by means of boats.

Foreign trade. The town of Dobbe, which is built on a sandy point, extending from the north side of the island Warud, is the chief resort of the foreign traders. We found the town, which consisted of about 30 houses, some of considerable size, occupied by a few Dutch traders from Macassar, about a dozen Chinese, and 300 Bughis and Macassars, the greater portion of whom were preparing to visit the island on the east side of the group, to collect produce for the vessels that were expected after the setting in of the westerly monsoon. The only sea-going vessels we met here were two large Macassar prahus and a Ceramese junk, which were about to sail in a few days. The trade of the place appears to have increased considerably of late years. Four or five ships and brigs, with a number of Macassar and Bughis prahus, whose united crews were said to have consisted of 5,000 men, had sailed with cargoes about two months previous to our visit.

Produce. The produce of the Arru Islands consists chiefly of pearls, mother-of-pearl, tortoise-shell, birds of paradise, and trepang; but the trade of Dobbe does not entirely depend upon the produce of Arru Islands alone. The Bughis prahus import large quantities of British calicoes, iron, hardware, muskets, gunpowder, &c., from Singapore; to obtain which, Dobbe is visited by the natives of Ceram, Buru, New Guinea, and of all the adjacent islands, it being the only spot in this part of the world where British manufactures can be procured. The produce brought from New Guinea consists of nutmegs, tortoise and mother-of-pearl shell, ambergris, birds of paradise, ebony, cloves and massay-bark, rosamald, an odoriferous wood, and kaya buku, a wood much prized in Europe for cabinet work. British calicoes and iron are the only articles taken in exchange for these by the prahus of New Guinea.

Value of British cargoes. The closeness with which the native traders conceal their commercial transactions even from each other, rendered it impossible for me to learn the amount of the exports and imports. Each Bughis prahu imports to the amount of from 10,000 to 20,000 dollars, and at least one-half of her cargo consists of British goods. Taking the yearly average at 30 prahus, and the amount of her import cargo at the lowest above stated. This will give 150,000 dollars as the annual value of British goods imported at Dobbe. This appears a large amount, but upon examination I am convinced that it is rather under than above the actual value. In fact, the greater portion of our cotton manufactures sold at Singapore are consumed in the less civilized portion of the Indian archipelago, where the natives prefer cheap goods and gaudy patterns, while those of Java select or prefer their own or Indian manufacture, which, though dearer, are far more durable than ours.

Goods imported.

The value of the return cargo of a Bughis prahu at Singapore will be about 200 per cent. on the outlay. It was with much regret that I observed a notice posted in a conspicuous place in the town, signed by the commander of the Dutch brig of war, Nautilus, which had visited Dobbe about three months previous to our arrival, ordering the Bughis to depart from Dobbe. The Bughis certainly did not appear to heed it; but this document evinces a spirit of interference which if carried out must be severely felt at Singapore.

Timber. Of the timber of the Arru Islands there are several varieties highly spoken of by the

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Bughis, who build and repair prahus here for its durability and the ease with which it is worked. Although of immense size, the trees are almost invariably sound, and as they can be felled within a few yards of the beach, it is not impossible that timber may at some future time form a valuable article of export.

The western islands of this group are thinly inhabited. Wama, although nearly 40 miles in circumference, contains only about from 200 to 300 inhabitants, who are scattered along the coast in little villages containing about half a dozen houses.

The eastern islands are said to be more thickly inhabited; the natives appear to be a harmless race, and although their country in produce is so rich, the greater portion are in a state of poverty; this is to be attributed to the inconsiderate use of spirituous liquors, large quantities of which are brought by the traders from Java and Macassar; indeed, with rice it forms the bulk of their cargoes. From their language and personal appearance, the natives appear to be a mixture between the Malayan and the Polynesian negro. They are not many degrees further advanced in civilization than the natives of the north coast of Australia, to whom many of them bear considerable personal resemblance.

In concluding my observations on the Arru Islands, I cannot avoid remarking their favourable position for communication with Port Essington. In both monsoons the passage to and fro can be made with a fair wind, and the passage either way will never be likely to occupy a longer period than three days.

Ki Islands.

On the evening of June the 24th, we sailed for the Ki Islands, where we arrived on the 26th. The Ki group, 60 miles distant from Arru, consists of two large islands, called the Great and Lesser Ki, and a number of smaller ones lying to the north-west of the latter. The Great Ki is about 60 miles long, high and mountainous, but the Lesser Ki is nowhere more than 50 feet above the level of the sea. The natives of the islands differ very considerably, both in personal appearance and language, from those of the Arru Islands, and are evidently the same race with that inhabiting the Serwatty and Timor-laut. *During our stay at Ki*, the inhabitants maintained the high character they have acquired for industry and hospitality to strangers. The population is between 8,000 and 10,000.

At the Arru Islands, Christianity was introduced many years past by the Dutch of Amboyna, and nearly all the principal people there profess the Christian religion. The Ki Islands, however, appear to have been neglected by the Dutch missionaries, and the consequence is, that many of the natives have been converted by the Mahomedans of Ceram, who have several priests on the island.

Productions and Commerce.

The commerce of the Ki Islands is inconsiderable when compared with that of the Arrus attracting only about a dozen prahus annually from Celebes, Butou and Banda.

These obtain tortoise-shell and cocoa-nut oil. The last is the staple produce of the group, and is of superior quality, in exchange for the foreign articles in general use amongst the natives on the islands.

Refreshments, in the form of yams, pigs, poultry, cocoa-nuts, Indian corn and fruit, may be obtained here in greater quantities and at a cheaper rate than on any island in these seas that I have visited. Prahus and boats of all sizes, built of the excellent timber with which the island abounds, form one of the principal articles of export; and the construction is the chief occupation of the inhabitants when they are not employed in the cultivation of their plantations. Vessels going to the Arru Islands touch here to obtain boats for trading with the smaller islands, and a large portion of the prahus navigating these seas are built here. The small boats especially are highly prized for their durability and swiftness, and it is singular that these people have hit upon a model closely resembling that adopted for fast-sailing vessels in England.

The Ki group is well situated for communication with Port Essington, as the monsoons blow fair for making the passage either way. The harbour of Ki-dulan, on the north-west side of the Lesser Ki, in which we anchored, was surveyed by Captain Stanley; it is an excellent anchorage, being sheltered to seaward by several islands of considerable extent, between which there are navigable channels.

Banda.

The Britomart left the Ki Islands on the 29th of June, and arrived at Banda on the following morning. The port of Banda is closed against foreign merchant vessels, and is rarely visited by those under the Dutch flag, with the exception of two or three ships which arrive annually from Java, bringing rice and European luxuries for the supply of the inhabitants, and taking away the produce of the nutting plantations. The population consists of about 20 Europeans in the civil and military employ of the government, 250 soldiers, all of whom are natives of Celebes and Amboyna, with the exception of about 30 Europeans, 50 Chinese, 3,000 or 4,000 convicts, about the same number of slaves, perhaps 1,500 free people or burghers, many of whom are of Dutch extraction, and 200 or 300 natives of Timor-laut and Baba. The aboriginal inhabitants of Banda have totally disappeared; in fact have been exterminated. The only European merchant in Banda is an agent of the Dutch Commercial Society, who had lately arrived; but the Chinese are all engaged in commerce, are more wealthy than the others, possess two small vessels and several prahus, which are employed in trading with the natives of Timor-laut and New Guinea; but owing to the amount of duties at Banda, the Chinese find it difficult to compete at the places they visit with the traders from Singapore. During this year, the voyage of one of the vessels belonging to the Chinese above mentioned, had been rendered unprosperous by the arrival, in the same port of New Guinea, of the Lullworth, an English merchant vessel, that has several times visited Port Essington; the goods brought by the latter being better suited to the tastes of the natives, and therefore enabling her to buy up all the nutmegs, the most valuable produce of that part of New Guinea. A few prahus from Ceram, New Guinea and Ki Islands annually visit Banda; but the trade on the whole is inconsiderable.

Trade, &c.

inconsiderable. Banda owes its chief and almost sole importance to the nutmegs produced there. The parks (as they are called), in which the nutmeg trees are cultivated, are in the cultivation of several planters of Dutch extraction, who are supplied with convicts by the government for carrying on the cultivation. The planters are obliged to supply the government with the entire produce of the plantation at a very low price (about three-halfpence per pound), and are strictly watched, that they may not dispose of any nutmegs to the traders. The annual produce is said to average between 300,000 and 400,000 pounds of nut-megs, and about one-fourth of that quantity of mace. Nutmegs are the only exportable produce of Banda, there being a great want of energy amongst the inhabitants, the cause of which, however, is sufficiently evident. The climate of Banda proves very unhealthy both to Europeans and natives, especially during the western monsoons, when the smoke from the neighbouring volcanoes rolls down upon the town, and renders it scarcely habitable. The two last residents lived only three months after their arrival at Banda. The secretary was acting resident at the period of our visit.

Climate.

The Britomart left Banda on the 6th of July, and at noon on the following day entered the Bay of Amboyna; but the wind being light and unfavourable, she did not anchor off the town before the morning of the 8th. We found here a large Dutch frigate, and a brig of war, which were attached to the Malacca station.

Amboyna is the capital of the Malaccas; the Governor resides here, but makes occasional visits to the residences under his control, which are as follows:—

Amboyna.

Residences.

Banda;
Ternata;
Manado, on the north-east end of Celebes;
Coepang, on the south end of Timor;
Cajati Bay, on Buru; and
Wahdi, on the north coast of Ceram.

The last is a settlement that was formed in 1838, after the abandonment of Fort Du Bus, on the south-west coast of New Guinea. The island of Amboyna, with Sapagua and Harouka, contains about 35,000 inhabitants, the greater portion of whom are employed upon the clove plantations. Victoria is the capital; contains 4,000 inhabitants, about one-fourth of whom are of European extraction. There are also many Chinese inhabitants, who are chiefly occupied as traders, shopkeepers and farmers of the revenue. Amboyna owes its importance entirely to the clove plantations, which are cultivated on the forced labour system. The people of the villages (orang negri) are obliged each to maintain a certain number of clove trees, and the chiefs of the villages are responsible for the trees being kept in order. The produce is sold to the government at a price so small, that were not forced labour adopted, the natives would abandon the culture. The soil and the climate of Amboyna, which is humid in the extreme, are well adapted for the growth of all descriptions of tropical produce; but the restrictions on trade have had the effect of crushing all spirit of enterprise on the part of the inhabitants, notwithstanding the exertions of the present governor of the Malaccas, Colonel De Steurs. The supply of rice and sugar is imported from Java; the consequence is, that the former can only be purchased by those in good circumstances, while the bulk of the people are obliged to be contented with the insipid bread made from the sago palm.

Population.

Clove Plantations.

The port of Amboyna is closed against foreign merchant vessels, but occasionally an English whale-ship in distress puts in there, when a guard of soldiers remains on board until she goes to sea again. About half-a-dozen Java ships (for Amboyna does not possess a single vessel larger than a prahu) visit the place annually, and occasionally some small Spanish vessels from Manilla enter the port. These take the precaution of calling at the Sulee Islands, on the way to Amboyna, to obtain fresh papers and the Sulee flag; for, according to treaty, whenever the Dutch shall admit vessels belonging to other than native powers, the port of Amboyna shall be open to British also.

Commerce.

The imports by private ships consist almost entirely of supplies for the inhabitants, which are paid for in cash, there being a considerable circulation of the latter, in consequence of all individuals in the employ of the government, even the crews of the ships of war on the stations (generally two), being paid monthly.

The native population of Amboyna may be divided into four classes; the burghers, the orang negri or villagers, the arafuras, and the slaves.

Native Inhabitants.

The burghers are either of European extraction, or are descended from native parents, who have become burghers by servitude in the army or civil department. They are a very intelligent race, and would be industrious also, were there sufficient employment for them. Many employ themselves as carpenters, cabinet-makers and workers in metal; but the demand for the articles they manufacture is so limited (not extending beyond the wants of the immediate neighbourhood), that their labours meet with little encouragment. Their anxiety for employment is evinced by the number of candidates for the situation of native schoolmaster in the Arru and Serwatty Islands, the salary of which amounts to no more than six rupees or ten shillings per month. Owing to several applications from young men of this class for employment at Port Essington, I was induced to ask the governor whether natives of the burgher class would be allowed to emigrate, and found that it would in no way be contrary to existing regulations. The orang negri or villagers are genuine natives of the island, and are a fine intelligent people, certainly superior to every other in the Indian Archipelago. Like the burghers, they are all Christians, and with very few exceptions can read and write. Being subjected to the forced labour system, they are in a manner slaves to the soil. The arafuras are the uncivilised inhabitants, who reside in the interior; their numbers are not great.

Burghers.

Orang-negri.

Arafuras.

From Amboyna the Britomart proceeded to the Serwatty Islands, and touched at Kissa and

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and Letti; the anchorage at both which places was surveyed by Captain Stanley. Kissa had for nearly three years been suffering from drought to such an extent, that 300 of the poorer inhabitants had died, if not from absolute starvation, from disease produced by the diet to which they were forced to resort to sustain life. Pigs and buffaloes were, nevertheless, to be purchased. Mr. Bies, the missionary, had left for Amboyna about six months previous to our visit, and did not intend to return. Two English merchant ships, one from Bale, loaded with rice, the other from Sydney, had been trading here and at Letti, within the last three months. At Kissa we learnt that the Portuguese of Dille had recently made a new settlement on the north coast of Timor, immediately opposite to Kissa, and that their vessels frequently came across to trade. In working to the eastward, the Britomart passed along the north side of the Serwatty Islands, and communicated with Sermattans, where there is a very good anchoring place during the south-east monsoon. Baba, the next island to the eastward, had an appearance of great fertility; we saw two large villages on the south side, at one of which a Dutch flag was hoisted. As the provisions were running short, Captain Stanley was unable to survey the west coast of Timor-laut, which appeared worthy of examination. The island Serra is high, but the main land opposite is very low; and this appears to be its character to the south extreme, differing in this particular from the east coast, where the land is high and mountainous. When at Banda we met with a Captain Chasteaux, commanding a ship belonging to a Chinese who resided there; he had lately returned from a voyage to Timor-laut, during which he had found that the southern part of Timor-laut consisted of an extensive island, on the north side of which was a bay, which afforded excellent anchorage in eight to ten fathoms throughout the year. He remained there two months, trading with the natives for tortoise-shell, bees-wax, trepang, &c., and proposed going there again in the setting-in of the north-west monsoon, as stock, yams, Indian corn, &c. were abundant there, this port, which is not 200 miles distant from Port Essington, may hereafter be of importance.

Kissa.

New Portuguese settlement.

Sewrattan.

Baba.

Timor-laut.

Emigration of natives.

I regret very much that we were unable to remain a few days at Timor-laut, since, from the specimens of the natives of this island that I had seen during this voyage, I should have been glad to have had a further acquaintance with them. The young men are partial to emigration, with the view of acquiring sufficient wealth, during the time they remain abroad, to enable them to live in comfort at home, where the knowledge they have acquired during their absence gives them a high standing among their countrymen. We met with a few of these emigrants at the Ki and Arru Islands, but their favourite resort is Banda. Here the greater portion enter into the service of the government or of the residents, in the capacity of police and custom-house peons, night watchmen, &c.; while all the prahus sailing out of Banda are manned by them. Others employ themselves in catching fish, cutting timber and firewood, and growing vegetables for sale. Indeed the markets are chiefly supplied by them. They are generally good rough carpenters, and upon the whole would make a very good description of labouring settler for Port Essington, when such may be required, particularly as there would be little difficulty in obtaining any number of them. They have lately come to Banda in such numbers, that the government have refused to permit any more to settle there. On the 6th of August we left the south end of Timor-laut, and on the following day made Melville Island, on the coast of Australia. Contrary winds detained us until the 14th, when we entered Port Essington, having been absent eight weeks. Having now given every particular of interest that came under my observation during my late excursion,

I have, &c.
(signed) *Geo. Windsor Earl,*
Linguist, &c.

Captain M'Arthur, R.M.
Acting Commandant, Victoria.

—No. 16.—

COPY of a LETTER from Sir *John Barrow*, Bart., to *J. Stephen*, Esq.

No. 16.
Letter from Sir John Barrow to J. Stephen, Esq., 23 January 1843.

Admiralty, 23d January 1843.

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, a copy of a letter from Captain M'Arthur, of the Royal Marines, commanding at the settlement of Victoria, Port Essington, dated the 22d of June last, containing information relative to that settlement.

I am, &c.,
(signed) *Jno. Barrow.*

Enclosure in No. 16.

(Extract.)

Victoria, Port Essington, 22 June 1842.

Sir,

Encl. in No. 16.

BY the brig Heroine, about to sail for Singapore, I have the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the detachment stationed here continues in the usual state of health, and that we have an abundant supply of provisions.

On 29th ultimo, a fine ship, the Lord Auckland, which had called in here on her way from New Zealand, unhappily grounded off Vashin Head as she was going out, and was

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not got afloat until the 2d instant. I rendered them every possible assistance, and she was brought into harbour on the 6th.

She has sustained some damage of the keel, apparently between the fore and main masts, and will be ready for heaving down this afternoon or to-morrow morning. I am sorry to say the whole of these operations will devolve upon me, no other person venturing to undertake them.

The last rain season was not so severe as that of the previous year, but yet very humid, compared with former seasons.

We have had no sickness excepting in the same parties who have been complaining from the first.

I have established a station at Spear Point for convalescents, as the air there is preferable, it being more open seaward; two invalids and one convalescent are now there, all giving evidence of deriving benefit; and we have two men in hospital; one of these a case of intermittent fever, of mild form; the other, of ulcerations.

I am endeavouring to draw out a sketch of the general character of the land around this splendid harbour, which I purpose forwarding when complete. I was induced to this attempt by what I have read in the public journals concerning the absence of information; only now, observing that the more experience I have, the more I am satisfied that the land is equal in quality to any on the continent of Australia, holding one exception in my mind, some sections of the mountainous districts in Torres Straits, along the east coast, which appeared to be of a truly superior character to any thing I have seen elsewhere, and I think it probable, by information collected from the natives, that the Wellington Range, east of us, is of a similar description.

Mr. Earl arrived from Singapore on 21st March, with a supply of buffaloes and hogs, in the only European vessel we have seen since the departure of Commander Stanley, who, to my surprise, it appears will not return to Port Essington.

Our hay for this season is collected, and is superior in quality to any former crop; during the hottest season the working cattle eat it with avidity, and maintain a good condition.

We are now loking with intense anxiety for arrivals from Sydney, being eighteen months in arrears of domestic intelligence.

The Malays called here as usual, in number seventeen. The monsoon was unfavourable to them, south-east winds prevailing, and consequently only those who arrived on the coast early succeeded in reaching the Gulf of Carpentaria. They had but indifferent success generally. They inquire earnestly concerning our intentions of settling, apparently with a view of trying their fortunes here.

23d. The Lord Auckland will, I hope be repaired, though I anticipate some difficulty; the damages are chiefly on the surface.

We shall not get her keel out of water before to-morrow.

I have, &c.
(signed) *Jno. M'Arthur,*
Capt. R. M., Actg. Commandant.

—No. 17.—

EXTRACT of a LETTER from Captain *M'Arthur* to *J. Stephen*, Esq., dated Victoria, North Australia, 20 September 1842.

No. 17. Extract Letter from Capt. M'Arthur to J. Stephen, Esq., 20 Sept. 1842.

HAVING just received copies of various documents from his Excellency Sir George Gipps, including his correspondence with the Right honourable the Secretary of State for the Colonies, respecting the settlement at Port Essington, I have presumed to consider that the enclosed memoir is of sufficient importance to encourage me to address you directly for the information of his Lordship.

I beg to premise, that I have never been honoured with any commands, specifying particular objects in connexion with the important trust which has devolved upon me; but the various opinions and statements which have come to my knowledge through the medium of public journals, led me to believe that information was much required. I availed myself of the talents of Mr. Earl, linguist, &c., and one Report of his I trust has long since reached Her Majesty's Government.

His Excellency the Governor has apparently been under the necessity of collecting information, first, from such sources only as were immediately available; our isolated position cutting us off from periodical or regular communication.

I trust his Lordship will pardon me, if in not transmitting the present information through those channels, which would indeed have been acceptable to me, I shall appear to have acted inconsiderately. The vessel which is to convey this document is bound to the Mauritius, and as letters thus passing to Sydney will lose immensely in their time of transmission to England, I purpose it shall be avoided. Duplicates will be forwarded to his Excellency the Governor, as his

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experience will doubtless add much interest to the information Mr. Earl's Report contains. I have now had the honour addressing him on this subject to the following purport.

I have perused with intense interest those documents. This subject has necessarily occupied my unremitting attention. Mr. Earl has been constantly urged to collect and embody information that might tend to dispel the doubts which seem to influence the public mind respecting the internal capabilities and external connexions of this portion of North Australia.

Our numbers here have been much too limited to admit of distant research. Lieutenant Stewart's Report I considered decidedly in favour of the soil; he was also accompanied by the botanical collector, who spoke in high terms of the country east of Victoria, and of its productions, declaring it and them to be in every respect superior; they discovered herds of fine buffalo, and the natives tell us of horses too. The former are frequently seen by our sporting parties; whence it appears to me satisfactorily conclusive, that generally the soil is not such as it is characterized to be, by Dr. Wilson especially, and some others, who have, after a mere footing upon its shores, pronounced it to be unfit for agricultural purposes. Dr. Wilson, I suspect, has been received by the public as a well-qualified judge; but I conceive he must have referred to European agriculture, or I must risk the presumption of differing in opinion with a scientific gentleman, since every visitor here from those quarters whence we should expect men to acquire some practical knowledge, unhesitatingly delare they would procure any of the tropical production (they have been enumerated again and again) in abundance at this place.

Every bay in this port has its savannahs or savannah, and these run back into the hollows to a considerable extent. Here, I suppose, rice of that description amed "orisa sativa" and "orisa præcox" might easily be cultivated, and the "orisa mutica" might probably be cultivated on the rising ground, or more certainly that mixed species, "orisa glutinosa," which succeeds in either wet or dry culture.

The extensive sea frontage of this port appears to me peculiarly adapted to the settlement of such people as our neighbouring islanders; but the present object of our Government to realize a certain value for lands, as done elsewhere, is on such a scale as will surely prove fatal to the hopes of that class of people in coming here; and it will be difficult for speculators to approach this territory before a considerable number of them is established, so that labourers may be procured. They look for a place of habitation, no matter how circumscribed, along the shores; and if encouraged, it is evident to me, from all that I hear, they would fly to the protection and fostering care of British Government, of which they entertain most enthusiastic notions; and I am confident they would, under a judicious and kind treatment, become most loyal subjects.

They are by no means deficient in energy, frugal in their habits, and generally intelligent.

I do not perceive how it can be demonstrated that speculators may hope to be certainly indemnified, when at once creating an establishment here for agricultural pursuits, with servants and labourers of whose language and habits of life they know nothing, whilst paying the same price for land which would obtain it in a temperate climate, where all the pursuits, objects and agents are alike familiar to them. It appears to me that they will require considerable encouragement at first; and that, if possible to complete such a compact, something should depend on success hereafter instead of paying upon occupation. I have noticed before, that the Malay fishermen would emigrate in numbers, but for this, to them, insurmountable obstacle. Could such a population be first introduced, then the land would be greatly enhanced in value. It is only known to a comparative few in England how quickly returns may be made in cotton, rice, tobacco, &c. I fearlessly pronounce that European labourers will never be successfully employed here, whilst amongst that class of people the love of ardent spirits is so prevalent. It must be considered, that the moment they land here, they literally commence life *de novo*; strange climate—strange soil—strange productions—strange pursuits; all demanding change of habits, change of prospects; and at last effecting a change even in the constitution.

Much has been said about the trade which it was supposed the Macassar people would induce who visit this place. I think there is some error here; all these people are hired by Chinese residents at Macassar, and only a few solitary instances of independent men amongst them occur.

In

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In some one of my previous despatches to his Excellency the Governor, I have adverted to the information gained from the natives respecting the superior character of the country east of us. Under our recent circumstances and paucity of numbers, it has not been practicable to extend our researches thither; but now, as Her Majesty's brig Camelion will have no better object, her commander, Lieutenant Hunter, has in a most spirited manner undertaken to examine the coast, and Mr. Earl will receive instructions from me to push occasionally inland, and examine the country and its productions, &c., and ascertain if the natives are such as they are described to be. We have had visitors from some of these tribes, and sent them away well satisfied of our kindly feelings towards them; and also of some others, who, in a strong body, came here from the Alligator Rivers, who gave us some interesting accounts of their country. They also departed, after remaining in our vicinity several days, well content. I endeavoured to conciliate them by every means; induced them to exhibit their skill in throwing the spear, their swiftness of foot, and finally, to their great delight, their voracity in devouring boiled rice. In the two first they are miserably deficient, but excelled our tribe; in the latter, their prowess is quite alarming. These poor creatures evinced many little traits of character that one would wish were more general in civilized life, such as their simplicity, mutual affection, &c. Those of our tribe (as we call them) would not at first partake of the rice, considering I had intended it only for their guests; but when I told them to eat, as there would be sufficient provided, after considerable hesitation, they complied. I think there were about 70 of them. *They formed into groupes*; some sat down and sang, whilst others made a grand corobberee, or dance with pantomimic exhibitions, imitating their mode of hunting and killing the wild fowl, I suppose; and in short, for I fear this is not altogether of interest, a happier number of faces I never remember to have seen.

Their mode of ornamenting their persons, their spears and throwing-sticks are precisely of the same description as those used here, and I doubt not that the stone-headed spears of our tribes are procured from them. They have terrific weapons, but are clearly deficient of courage to use them with effect; the unfortunate women experience their fatal effects much more frequently than the men. I believe I have never noticed one peculiarity; they seem ignorant of applying poisons to their weapons, yet there is a tree growing commonly, of which they are extremely cautious, so much so that they cannot be induced to gather any of it, or even to touch it. I quite alarmed a party of them one day who saw me attempting to gather a twig from it; they assured me I should die if the juices came in contact with the slightest scratch on the skin, and insisted that I should not touch it again; one of them gathering a twig from another plant, seeing I required one to flog my horse; when I accepted of it they uttered a general exclamation of satisfaction.

I am quite convinced that these people have formed an attachment to many of us, especially Messrs. Earl, Whipple and M'Arthur. Mr. Whipple has proved materially useful to me, in communications with them, or in settling their disputes, discovering those who had committed petty thefts, &c.; and towards such I have endeavoured to follow out the same system pursued by our respected commandant, Sir Gordon Bremer, who strenuously opposed all violence towards them, and recommended, by his humane example, forbearance and patience; this is what the natives are indebted for, and to whom.

The few instances wherein I have been necessitated to enforce the laws have proved highly beneficial. These people have their thorough-bred knaves, and even record some instances of great daring in committing their depredations; one fellow has recently absconded, having learnt that I had information of his guilt. Solitary confinement appears to me to affect them much in the same manner that it does children when shut up in dark closets. They entertain some notions equivalent to more civilized man about ghosts; but we are not yet sufficiently conversant in their language to arrive at a right understanding of it, and some of the gentlemen have been curiously and amusingly misled upon this subject; one of them imagined that what the natives described must be an ourang outang, and it was reported confidently that a native ghost had been indistinctly seen by our people when hay-making; this gentleman, therefore, sallied out with dog and gun, and well examined the ground; of course he found nothing; but, to our great amusement,

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it was proved, during his absence, that he had mistaken one of the native terms, and in all probability went out to shoot a meteor.

I have said this much concerning the natives, not in idleness, but because it may serve to remove those absurd prejudices which really afflict some weaker minds concerning the impossibility of approaching these "black wretches," or allowing them to approach. These trifling anecdotes may serve to illustrate the terms on which we associate with them; the perfect freedom of intercourse which they enjoy, and the surprising forbearance they evince in the midst of temptations to pilfer and steal. The only thing to be dreaded is the introduction of vice amongst them. Every thinking man may conceive what an effect ardent spirits will have upon such constitutions in such a climate. In their domestic broils they work themselves up to a state of frenzy, that is more resembling actual demoniacal possession, and it may be believed to be so. I never saw any thing more fearful to look at; it is sufficient to make the heart of humanity bleed for them.

The little children amuse themselves around us with all the confiding carelessness that longer habit alone might be supposed to produce. But the moment a whisper is heard, that one of their fraternity has committed himself, away they all scamper to the woods, until assured that the commandant will not shoot them.

I fear this scarecrow system is pursued by some one or more of the men, who may feel annoyed by them when they are noisy in the midst of their play.

When we first arrived, the male adults only advanced towards us, and they, tremblingly alarmed. It is truly *delightful to see the difference now.* One of my favourites was old Alligator, as they called him, in Raffles Bay; he died about six months since, to my sincere sorrow, as he was much attached to us. I have been under his guidance, after being benighted, and no one with us, when his only attention appeared to be, to clear the ground, that I might not get any injury from the fallen branches of the trees.

No. 1.

Mr. Earl has just now presented to me his memoir; it is too plainly narrated to need one word of comment from me, and as regards external and mercantile affairs, so conclusive, that I hope it will prove in every point of view satisfactory to his Lordship.

A merchant of Singapore visited us in March last, and went to the Arru Islands; he also called at Delli and Coepang Timor. He was merely making a voyage with our supplies, and resolved to inform himself of the real state of these places, and their trade. He returned to Singapore in July, after engaging to bring us more stock by December next, and requested I would have the requisite papers in readiness by his return, to give him a lease of five town allotments on Sir Gordon Bremer's regulations. He will also bring a house, and mechanics to build it.

We could not obtain from him that species of unreserved communication respecting the islands he had visited east of us which a totally disinterested person might have been expected to give; but his delay there with a vessel under heavy demurrage, speaks aloud for itself; manifestly he found a fine market and prospect of gain. The result was, his determining to purchase a vessel, with intention of revisiting those places immediately.

These are the only facts I can present. How a mercantile community would receive such reports as that of Mr. Earl's, I cannot pretend to judge. It seems to me conclusive, that the interests of Port Essington and the North Coast of Australia will yet enjoy a rising sun to clear away the mists of doubts which have so long concealed its prospects.

No. 2.

Sick Report.—I called for this report in consequence of our having experienced more sickness this last quarter than ordinarily.

The weather has been more sultry the last two days, and we have had much thunder and lightning on the south-east.

I considered that his Lordship might desire to see such a document.

J. M'A.,
Acting Commandant.

Enclosure

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Enclosure 1, in No. 17.

(Extracts.) Mr. *Earl's* Report.

TIMOR.

Encl. 1, in No. 17.

Timor.

Timor, being only 260 miles from Cape Bougainville, is nearer to the continent of Australia than any other island of the Indian Archipelago in which Europeans have established themselves. It is 240 miles long, the breadth varying from 40 to 70 miles. The coasts consist entirely of mountainous land, rising abruptly from the sea, there being very few spots of level ground near the shore sufficiently large to entitle them to be called plains. In the interior, however, are plains of great extent, well watered by lakes and mountain streams, and, from their elevation above the level of the sea, possessing a climate well suited for the growth of many European productions which will not succeed in the lower lands.

European settlements.

Two European powers have possessions on Timor; the Dutch at Coepang, on the south-west extreme, and the Portuguese at Dilli, near the north-east end of the island; and along the north-west coast are several small establishments belonging to both nations, those of the Portuguese being most numerous. Neither power, however, possesses territory beyond the immediate vicinity of the chief settlements, and the authority of both nations over the towns along the coast is scarcely more than nominal. All hoist the flags of either the Portuguese or the Dutch; many of those near Coepang displaying that of the former; while there is a town within a few miles of the chief settlement of the Portuguese which considers itself under the protection of the Dutch. In this, as well as in some other particulars, the establishments on the north-west coast of Timor resemble those of Europeans on the west coast of Africa. The inhabitants of the south-east coast, generally called the "back" of the island, are independent. The Dutch carry on a trade with some of the villages nearest to Coepang, but the greater portion of the produce of this side of the island is brought over-land to the settlements on the north-west coast.

Inhabitants.

The population of Timor must be very great. On passing along the coasts, especially near Dilli, numbers of houses, each in the middle of a small plantation, are seen scattered over the face of the hills, even to their very summits; every spot of ground not too steep to admit of cultivation being occupied. The interior is represented as being even more populous than the coast. Near the European settlements the greater portion of the population profess Christianity, as is the case also with most of the chiefs in the interior; but the bulk of the people are pagans.

Exportable productions.

The principal exportable productions are sandal-wood and bees-wax. The former is exported to China, and the latter to Java, where the consumption is very great, owing to its being employed in large quantities in the manufacture of Javanese calicoes. To these may be added cattle, horses, and Indian corn, which are exported chiefly to the Australian colonies and the Mauritius.

Shipping.

About 150 British vessels visit Timor annually, Coepang alone having had as many as 84 in her harbour during the year 1840. Of these three-fourths consist of South Sea whalers, ships homeward-bound by the eastern passage from China, or vessels proceeding to India from New South Wales by way of Torres Strait. These, for the most part, touch at Timor merely for refreshments, which are cheap and abundant. The remaining fourth consists of ships employed in carrying stock, &c., to our colonies, with a few small trading vessels from Singapore or Sydney. The number of Dutch vessels visiting Timor annually is about 20. These are all country vessels, (that is to say, vessels belonging to the Dutch Indian colonies), no Dutch ship ever coming there direct from Europe. These are mostly brigs and schooners, which bring rice, arrack, and other colonial produce from Java and Macassar, with muskets, gunpowder, hardware and calicoes from Singapore. A Portuguese ship from Macao or Goa occasionally visits Dilli, but the flags of other nations beyond the three mentioned are rarely seen in Timor. From 20 to 30 Bughis and Macassar prahus visit the island annually. The north-western is the only coast frequented by ships, but, while at Dilli in the early part of this year, a small English vessel arrived from the south-east coast, where she had carried on a considerable trade for bees-wax, which may probably induce others to follow her example.

British manufactures.

From the nature of the trade, it is impossible to give any correct account of the value of our manufactures consumed in Timor; but some idea may be formed of the importance of this market when it is taken into consideration that, with the exception of rice, sugar, wines, spirits, and a few other articles imported for the supply of the European settlement, British goods alone are employed to purchase the entire produce of the island; and this must be the case in all Dutch settlements from which we are not excluded.

Value of commercial depôts.

Nothing can more materially tend to prove the value of commercial depôts in this part of the world than the fact, that before the establishment of our settlement at Singapore, the consumption of our manufactures in Timor was very trifling. Yet Singapore is 1,500 miles distant, and, owing to the monsoons, only one voyage to and fro is made in the course of the year. From this settlement four or five voyages might be made with ease during the same

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same period. It therefore seems evident, that when Port Essington is open to colonists, Timor will be supplied with our manufactures from it, as the difference in the duration of the voyage would, of course, enable the merchant to sell his goods cheaper.

Slave trade.

Slaves were formerly exported from Timor to the amount of some thousands annually, but since the trade was abolished by the British, when they possessed Timor during the late war, and has subsequently been discouraged by the Dutch, it is now by no means so considerable. Several individuals at Coepang, of Dutch extraction, possess many slaves; one as many as 600; but they cannot be exported, and being of little use where their masters are too indolent to superintend plantations, they would probably be manumitted, were it not for the expense that would be incurred by so doing; a fee of several guilders being demanded by the government for granting a certificate of freedom to a slave. A few boys are generally taken from Dilli by the Portuguese ships which arrive from Goa and Macao; but with this exception, there are no European vessels, as far as I could learn, employed in the traffic. The Bughis prahus, however, export from 500 to 1,000 annually, and perhaps 100 are purchased during the same period by the inhabitants of the Serwatty Islands. These are chiefly prisoners taken during war, men accused of crimes, or children that have been kidnapped. The Bughis prahus carry their slaves to Celebes, Borneo, and, as I have been informed by several of the Bughis themselves, to Siam also. The price of a slave at Dilli is a musket, or 10 dollars. A child is considered to be as valuable as an adult.

Coepang.

Coepang, the principal Dutch settlement, is situated near the southern extremity of a deep bay at the south-west end of the island. The town is small but neat and clean, and is occupied chiefly by the Europeans, Dutch half-castes, and Chinese, the native population residing for the most part in huts scattered over the hills to the westward of the town. The European inhabitants are about a dozen in number, including the resident, one or two government officers, and a few soldiers; the latter acting as non-commissioned officers to the native troops, 40 in number, who garrison the little fort. There is not a single European merchant in Coepang, the trade being conducted through the medium of the Chinese, who number about 300, and form the most useful portion of the population. The country-born descendants of the Dutch number about the same with the Chinese, and are remarkable only for an extreme indolence of disposition. A few of them are employed in subordinate situations under the government, but the greater portion subsist on the gains of their slaves; not a single individual among them possessing sufficient enterprise to cultivate a plantation, although the soil would amply repay their labour. A sugar plantation has lately been laid out and planted by an English gentleman from the Mauritius, and should this succeed, some of the country-born inhabitants may possibly be induced to follow his example. It may appear surprising, that although this settlement has been in the possession of the Dutch upwards of two centuries, there are no wheeled carriages, nor a road on which they could travel; and this in a country in which horses are more numerous, in proportion to its size, than, perhaps, in any other in the world.

Rotti.

The extensive island of Rotti, lying off the south-west extreme of Timor, is the most important district within the jurisdiction of the Dutch; the inhabitants, about 20,000 in number, being rather more industrious and enterprising than the Timorese, and the accessible nature of the country rendering it comparatively easy for the government to maintain their authority there, which is not the case in the mountainous country at the back of Coepang. The buffaloes, maize, &c., brought to Port Essington by vessels from Coepang, are exclusively the produce of this island.

Rangong Harbour.

There is a good harbour near the north-east extreme of Rotti, called Rangong, in which vessels may lie very close to the shore; but during the south-east monsoon ships would experience some difficulty in getting to sea through its narrow entrance. This is of little consequence as far as intercourse with this settlement is concerned, since stock intended for this settlement is always shipped during the westerly monsoon, when the harbour is easy of access.

Coepang.

Coepang is not a favourable place for vessels to touch at for refreshments. Stock, with the exception of buffaloes, cannot be obtained in any considerable quantity without much delay, while both fruit and vegetables are scarce and dear; there are no port charges, but the duties on British goods are considerable, being 25 per cent. on calicoes, and 6 per cent. on all other, except muskets and gunpowder, the duties on these being a dollar each for the former, and a dollar a cask for the latter. The duty, however, is only demanded for the goods that are actually sold or intended to be left for sale; our ships, therefore, carry on little trade with Coepang itself, but proceed to some of the smaller ports along the coast, where there are no duties, and where the articles they require are in abundance.

Dilli.

Of the numerous possessions once held by the Portuguese in the eastern seas, the little settlement of Dilli is the only one that now remains to them; and this appears to be retained chiefly as a place of banishment for those who commit political offences in the Portuguese settlements in India and China. The harbour of Dilli consists of a small bay, sheltered from the sea by a reef of rocks, dry at low water, extending across it, through which there are two channels for ships, the eastern one being rarely used. Ships can lie here in safety within a cable's length of the town; it is therefore the most convenient port

on

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on the north-west coast of Timor. The town, which is well laid out and enclosed by a wall, is situated close to the sea upon a plain containing about 20 square miles. This plain is bounded upon the land side by a semicircle of hills, rising around it like an amphitheatre, to the height of from 500 to 3,000 feet. During the rainy season this plain becomes a swamp, but as the wind during this season blows in from the sea, the noxious effects of its exhalations are not then much felt. When the south-east monsoon sets in, the hills at the back of the town prevent the circulation of air, and the intense heat of the sun, unmitigated by a breeze causes the vapours to arise from the marshes, rendering this spot the most fatal to health in the Indian archipelago, and perhaps in the world; at the same period the elevated plains in the interior, only 15 to 20 miles distant, possess an excellent climate, yet the advantage of removing there during this season seems never to have suggested itself to the inhabitants; during this season ships frequenting the port generally anchor in the outer roads, but even here the crews are by no means free from liability to attacks of fever. The Dilli fever is rarely fatal to patients who remove quickly to more salubrious climates; but Europeans, English especially, rarely survive the numerous relapses that occur if they remain in the settlement.

Traders.

There are no professed merchants in Dilli, with the exception of two or three Chinese, but nearly every individual in the employ of Government engage in trade. The present governor does not, I believe, engage in commercial pursuits.

Coasting vessels.

The port of Dilli possesses about a dozen small cutters and schooners, and perhaps double that number of *prahus*, which are employed in collecting the produce of the various little settlements along the coast, occasionally making trips with the same object to Ombay, Lomblen, Pantar, and other islands in the vicinity; as their number has been increasing fast of late years, it implies that the trade of Dilli is increasing also; these coasters do not visit the south-east side of the island, the produce of which is brought over-land to the settlements on the north-west coast.

Plantations.

The neighbourhood of Dilli presents a far greater portion of cultivated land than that of Coepang, many of the residents having extensive and well laid-out gardens in the outskirts of the town, producing all the fruits and vegetables known in this part of the world, the oranges especially being very abundant and of excellent quality. Owing to the example and encouragement of the present governor, plantations of coffee are also springing up, there being already a surplus for exportation after the wants of the settlement have been supplied.

Wheat.

The elevated plains of the interior produce articles for which the climate of the archipelago generally is not well adapted, and the cultivation of which is rarely therefore attempted elsewhere. The most important of these is wheat, about 3,000 bushels of which are exported during some years to Java and Macassar, but from the demand being uncertain, to ensure a supply it is necessary to order it from the growers during the previous season; by taking this precaution, 10,000 bushels, or even more, might be obtained. The price at Dilli is about 4 *s.* per bushel, but perhaps scarcely half this price is paid by the Dilli merchant to the native growers; in the samples of this wheat that came under my observation, the grains were not so plump as those of English wheat, and I suspect that the amount of farina they contain is also less in proportion to the husk; but the flour made from it is excellent. These plains are also celebrated for the onions they produce, which are exported in very large quantities to the neighbouring countries.

Resources of Timor.

Timor would prove a valuable possession in the hands of an enterprising European nation. The soil is rich in the extreme, the height of the mountains ensures a plentiful supply of moisture, and the population is numerous and enured to labour; at present the articles exported from the island are produced or collected by the undirected efforts of the natives themselves.

Sago.

Several natural productions exist in Timor, which, although at present unheeded, may at some future time be rendered available for commerce. I consider sago as being one of the most important, owing to the great increase that has lately taken place in its consumption in Europe; which is evident from the fact of 1,664 tons of pearl sago, with 746 tons of sago flour having been exported from Singapore during the six months ending in July 1841, chiefly for the English market; this article, which abounds in Timor, is very easily prepared for exportation in its raw state; the tree is cut down, when the pith is taken out and made up into bundles; in this state upwards of 14,000 tons of sago are annually imported at Singapore, where it is prepared by Chinese, who clear the farina from the fibres of the pith, when the flour is either made up for exportation in its natural state, or is made into pearl sago; all the raw sago manufactured at Singapore is brought from islands to the eastward, principally from Borneo, a considerable portion coming from places more than 1,000 miles distant. Now it is evident that we shall here possess great advantages in this particular, being situated in the close vicinity of countries producing sago of the best quality, and in the greatest abundance, and where the natives are well acquainted with the mode of preparation; neither would the manufacture of sago at Port Essington inflict the slightest injury on Singapore, since New Guinea, Timor, Cramand, the Arru Islands, although producing the best sago in the archipelago, are too far distant from Singapore for it to be carried there in its raw state with any hopes of profit.

Minerals. Rock salt.

Copper and gold ore are found in the mountains, but the mines are not worked. Rock-salt exists in great abundance at Lurga, a town about 40 miles east of Dilli, at a short distance from the sea-shore; it is used for preserving meat, and the *prahus* that touch at

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Pearls.

Lurga lay in supplies of it, but although of excellent quality it is not an article of commerce, those who require it being permitted to take what they choose. Pearls and pearl-shell are found on the south-east coast, especially at Ama Noobang, called in the charts "The Bay of the Pearl Bank," and formed an article of import at Coepang until a military excursion of the Dutch to the gold mines of Amanoobang, which the natives, from some superstitious notions, will not allow to be worked, gave rise to a war, which put a stop to the trade.

Prospect of intercourse with Port Essington.

When this settlement is further advanced, a market so little distant may tend to develop the dormant resources of this country, for although the Dutch and Portuguese residents in Timor do not exert themselves in extending the commerce of the country they inhabit, they do not appear inclined to prevent others from doing so.

CELEBES.

Celebes.

This island does not exactly come within the limits I have prescribed for myself in this memoir, but it is deserving of mention, owing to the prominent position it takes from its inhabitants being almost entire engrossers of the trade in all the islands eastward of Java, in which there are not European establishments. The peculiar form of this island renders it highly favourable for the residence of a maritime people, since, although containing only 50,000 square miles; it possesses a sea coast of 2,500 miles in extent, there being no part of the country distant more than 13 leagues from the sea. The Dutch have two settlements on the island, Macassar on the south-west, and Menado on the north-east extreme; but the territories appertaining to these are not very extensive, the natives having successfully resisted the repeated attempts of the Dutch to extend their authority over the entire island.

The Bughis.

The Bughis, (as the inhabitants of the southern arms of Celebes are called), are more addicted to maritime enterprise than those to the northward, from the southern portion of the island being better situated for intercourse with Singapore, and with the islands to the southward and eastward, than the northern. All the produce collected by them during their voyages among the eastern islands, is carried to our settlement at Singapore, where it is exchanged for calicoes, iron, muskets, gunpowder, and many other articles of British and Indian manufacture, these being the principal goods with which they purchase the produce of the more eastern islands. Nearly the entire male population of the Bughis countries are employed in trade, agriculture being little attended to, that their supplies of rice and tobacco, and of the cotton employed in their manufactures, is derived from Bali and Lombak. While the men are away on their voyages, the women employ themselves in the manufacture of cloths and variegated mats, which are highly prized throughout the archipelago, these being almost the sole exports from the Bughis countries. Their *prahus* rarely exceed in size 100 tons, as a great draught of water would prevent them from entering the small rivers on which their towns are situated.

Bughis' colonies.

The Bughis are much addicted to colonization; they have occupied the mouths of all the large rivers on the east coast of Borneo, and of several of those on the south coast; they have also colonies on Sombewa and Flores or Mangerai, while there is scarcely a port in the archipelago in which anything approaching to freedom of trade is permitted, where there are not many Bughis established; individuals among them often possessing considerable wealth. Their settlements are formed upon the principles of the ancient Greek colonies. A chief, generally the brother or younger son of a Rajah, anxious to become an independent prince, fixes upon some spot adapted to the purpose, and removes thither with his dependents and their families, and with as many adventurers as he can induce to accompany him. The spot selected is generally the mouth of some river, by means of which the interior can be penetrated, and a commerce opened with the aborigines. The new colony does not acknowledge the authority of the mother country, but friendly relations are generally maintained between them.

Macassar.

The Dutch settlement at Macassar is small and of little importance, except that it acts as a check on the commercial enterprise of the Macassars, who are even more skilful navigators than the Bughis. The trade of the eastern islands was once chiefly in their hands, but the prohibition on the importation of British calicoes at Macassar, together with the great discouragement given by the authorities to intercourse with Singapore, has enabled the Bughis successfully to rival them in all branches of the eastern trade, excepting that with the north coast of Australia, which being a fishery, and not requiring articles of European manufacture, the Macassars still retain. Several *prahus* from Macassar visit Singapore annually, but these dare not enter their own port on their return, and pass on to the eastward, visiting Macassar only when loaded with the produce of the eastern islands. The duties are high at Macassar, the most insignificant articles, even the salt fish brought from Port Essington, being taxed. Many Chinese reside at Macassar, all of whom occupy themselves as traders.

Restrictions on commerce.

I need say nothing respecting the general character of the Macassars, as you have had many opportunities of witnessing their industry and good conduct during their annual visits to this settlement.

Menado.

The Dutch settlement at Menado, on the north-east extreme of Celebes, although more recently formed, is of more importance than Macassar, the north coast being less favourably situated for commerce than the southern parts; more attention is paid by the natives to agriculture, and a large quantity of coffee is produced by them; this was formerly collected by

by small Dutch vessels from the Moluccas, and carried to Batavia, to which port only the large Dutch ships from Europe resorted; but within the last few years, the Java government has altered its policy, the Europe ships being allowed to collect their own cargoes among the adjacent islands; two or three ships of about 800 tons now annually collect cargoes on the north coast of Celebes, and proceed with it direct to Holland. The Dutch have succeeded in appropriating to themselves nearly the entire trade in coffee on this coast, only a small portion finding its way to Singapore.*

The Badju Laut, a people living entirely on the water in *prahus*, congregate in great numbers on the coasts of Celebes. With the westerly monsoon these spread themselves over the eastern seas in search of trepang and tortoise-shell, extending their voyages to the north-west coast of Australia, about Cape Londonderry, and Admiralty Guff; they occasionally visit the north coast also, but I have seen only one Badju *prahu* in Port Essington. They carry several small light boats, from which they spear the turtle, which they also catch by means of nets. They appear to be an enterprising people, and are remarkably quiet in their manners. **The Badju Laut.**

BALI.

The island of Bali lies immediately to the eastward of Java, from which it is separated by a strait only three miles wide at its northern entrance. Bali is about 200 miles in circumference; a chain of mountains extends along the north coast, from five to 20 miles inland, terminating in the Peak of Bali; and another runs in the same direction, (east and west), about 25 miles to the southward of the former; on these mountains are several extensive lakes, the waters of which are used for irrigation, rendering this one of the most fertile islands in the Indian archipelago; the population is about 700,000. The Balinese have hitherto maintained their independence. **Bali.**

Bali is divided into eight states; of these, Badong on the southern extreme of the island, although one of the smallest, enjoys the most extensive commerce; this state consists of a peninsula, containing about 50 square miles, joining to the main by a low neck two miles wide, with about the same extent of territory on the main land. During the south-east monsoon, ships anchor on the west side of this isthmus; they lie here perfectly sheltered from the prevailing winds; but a long swell coming from the Indian ocean often interrupts communication with the shore. During the westerly monsoon, ships lie on the other side of this isthmus, where they can haul into a very snug anchorage between two reefs. An European mercantile house, the head of which is an Englishman, is established here, and the trade is chiefly in its hands, although an agent of the Dutch Commercial Society also resides in the place. The chief portion of the produce of Badong, consisting of rice, coffee, and tobacco, is exported to Singapore; the return cargo being composed of European manufactures, opium and Chinese coin; an intercourse is also maintained with our Australian colonies and the Mauritius, by means of British vessels which export rice, coffee, Indian corn, cattle and pigs; about 4,000 tons of rice are annually exported from Badong, a considerable portion of which is collected in small vessels from the other states; Badong is the only port in Bali frequented by European ships. **Badong.** **Trade, &c.**

The ports next in importance to Badong, are Bliling on the north, and Karang Assam on the east coasts; these, together with many smaller ports on the north coast, are visited by many vessels belonging to Chinese of Java, for the purpose of obtaining rice, cotton, and tobacco; but the trade is principally in the hands of the Bughis, whose *prahus* swarm upon the coast, bringing goods direct from Singapore. A considerable quantity of coffee is carried to Singapore from the north coast of Bali, the greater portion of which is smuggled from the eastern districts of Java, where coffee is a government monopoly; the revenues of the native ports are generally farmed by Chinese, there being many traders of that nation on the island. **Ports of Bali.** **Trade, &c.**

Although Banyu Wangi, the easternmost settlement of the Dutch on Java, is only three or four miles distant from Bali, very little commercial intercourse exists between them. The cultivation of coffee in the eastern districts of Java has lately been greatly increased, the whole of the produce being claimed by the government at a fixed price. When I was at Banyu Wangi, in the early part of this year, three Dutch ships from Europe of 800 to 1,000 tons burthen, were lying there, taking in cargoes of coffee. **Banyu Wangi.**

LOMBOK.

Lombok, the island next to the eastward of Bali, has latterly attained a high standing among the countries of the Indian archipelago, and is particularly interesting to the British from its being frequented by a greater number of our ships than any port in the Eastern seas, with the exception of Singapore; the island is about 250 miles in circumference; two chains of mountains extend along the northern and the southern coasts, between which lies an immense plain, and abundantly watered, divided about the centre by a range of hills of moderate **Lombok.**

* I found on my arrival at Singapore that the fact of so much coffee being produced on the north coast of Celebes was not known there.

PORT ESSINGTON.

moderate elevation; the entire plain is cultivated for rice, while the sides of the hills and mountains produce coffee and Indian corn. Ampanam, the principal port, is a bay situated near the centre of the west coast of the island; the anchorage is good during both monsoons, but here, as at Badong, communication with the shore is occasionally interrupted by a rolling swell coming in from the south-west; Mataram, the capital and the residence of the Rajah, lies three miles inland from Ampanam.

Ampanam.

British merchant at Ampanam.

Mr. King, an English merchant, has resided at Ampanam since the year 1832, and it is to him that the present prosperous state of the island may chiefly be attributed, owing to the great assistance he afforded the Rajah during a late war, in which the latter extended his dominion over the entire island. Mr. King received some commercial privileges, which enabled him to maintain his ground in opposition to the Chinese and Bughis, who had formerly the trade in their hands, and consequently, viewed him with great jealousy. The British trade with Lombok could scarcely exist, were there not a resident merchant at Ampanam; vessels from our colonies, in Australia for example, rarely bring anything but Treasury and other Bills with which to purchase their cargoes, and which would be of no value at Ampanam were there not a merchant there to negociate them. During the year previous to my visit to Ampanam, in Her Majesty's Brig Britomart, in October 1841, 25 English ships had loaded rice at Ampanam, about one-third of which sailed for our Australian colonies, the remainder going to the Mauritius, Singapore, and China. Mr. King has several vessels of his own, which are mostly employed in trading with Singapore, whence he obtains articles of European manufacture, and Chinese cash, (a coin composed of copper and zinc, 600 of which are the exchange for a Spanish dollar), these last having, by some accident, become the current coin in Lombok. So considerable a commerce with a country of which even the name is scarcely known in England, is very gratifying, but at the same time, it is evident that its tenure is very precarious; for, on the departure of Mr. King, should he not be succeeded by another merchant, the accommodation afforded by the ready exchange of Bills, which has been the chief cause of so many of our merchant ships resorting to the place, must cease.

British trade.

Rice.

Ampanam is also visited by many native ships and *prahus*, which load with rice and tobacco for Singapore, Borneo, Celebes, and all the islands to the eastward, as far as New Guinea. Lombak, with Bali, and Java, are indeed the granaries of the archipelago, being the only countries which export this necessary article; Lombok exports annually about 14,000 tons; Bali about half that quantiiy; Java, taking the average of ten years, exports annually 24,000 tons. The great increase that has lately taken place in the culture of coffee and sugar in the latter island, is, however, likely to cause a decrease in the production of rice.

Labu Hadji.

Labu Hadji, a port on the east side of Lombok, was formerly much frequented by traders, but since the present king became paramount, he has made it his object to draw all the trade to Ampanam.

British shipping at Ampanam.

Ampanam being situated in the strait which is generally preferred for ships passing into the eastern seas by the straits east of Java, is much visited by ships which touch there merely for refreshments, or to procure information relating to the rate of freights in the ports of India and China; most of these are light ships from the Australian colonies, that have passed through Torres straits. Many whale ships, chiefly American, also resort to Lombok for refreshments, as many as 17 having been lying there at one time.

Whalers.

Provisions, stock, &c., at Ampanam.

Provisions and stock are so exceedingly cheap and of such good quality at Lombok, that I think it probable, when the Port Essington settlement has a sufficient population to encourage the trade, that its supplies will be drawn from that island and Bali, until able to support itself. At Timor, whence we have hitherto received our stock, all articles not produced in the island itself, rice in particular, are generally 100 per cent. dearer than at Lombok; indeed the Macassar *prahus* which visit this settlement can sell their rice cheaper here than at Timor, owing to the duties imposed at the latter place. I had almost forgotten to mention that there are no duties or port charges at Ampanam.

SUMBAWA.

Sumbawa.

This island is 150 miles long, and, like Bali and Lombok, contains some very high mountains; one of these, the Timboso mountain, is a volcano, and the country has not yet recovered the dreadful effects of an eruption in 1815, which killed many of the inhabitants, and by creating a famine, obliged many of the remainder to emigrate. The Dutch have a small establishment at Bimah, a bay near the north east extreme of the island, which appears to be maintained chiefly for the purpose of obtaining horses, those from the neighbourhood of Bimah being considered the best in the archipelago, and always commanding high prices at Batavia. The other ports are occupied by natives of Celebes, with some descendants of Arabs, who have nearly the entire trade in their hands, exporting to Singapore sapan-wood, bees-wax, and a few other articles.

FLORES.

Flores.

This is the largest island of the chain which extends from Java to Timor. The Timuri, a dark curly-haired race commences here, and occupies all the islands to the eastward as far as Timor Laut. There are many small settlements of the Burghis on the north side of the island, and Larantuca, near the east end, is a post of the Portuguese, but these yield in point of importance to Ende, an excellent harbour on the south coast, the only known one indeed on the south side of this chain; Ende is occupied by a large colony of Bughis, who, besides

Ende.

besides collecting the chief produce of Flores, carry on a trade with Sandalwood Island, to the southward. The Dutch settlement of Coepang was formerly the mart at which their commodities were disposed of; but the intercourse has ceased for several years, the traders now resorting to Singapore for the purpose.

Ende. The Dutch frigate Bellona visited Ende in 1839, with the view, I have been informed, of endeavouring to induce the Bughis there to renew their intercourse with Coepang, but if this was the case, their object has not been attained. Sandal-wood, bees-wax, horses, and a few slaves, comprise nearly all the exports from Flores.

Cotton. Cotton is produced in all the islands mentioned in this memoir, especially Bali and Lombok; both which islands export considerable quantities in an unpicked state (that is to say, before the seed has been removed), but never for an European market. All the samples of cotton I collected among the islands have been disapproved of by a person well acquainted with the article; its chief fault is the extreme tenacity with which the seed adheres to the wool. The staple, however, is excellent, as indeed is evident from the durability of the cloths made from it by the natives.

Geo. Windsor Earl.

Enclosure 2, in No. 17.

Encl. 2, in No. 17. REPORT of the SICK who have been admitted into the Hospital, *Victoria, Port Essington,* between the 1st day of July 1842 and the 20th day of September 1842;—viz.

DISEASES.	Number admitted.	Discharged to Duty.	Died.	Now on List.
Febres intermittent, tertian - -	5	4	- -	1
Bronchitis - - - - -	2	1	- -	1
Diarrhœa - - - - - -	3	3	- -	—
Dyspepsia - - - - -	2	2	- -	—
Phth. incip. - - - - -	2	2	- -	—
Syphilis - - - - - -	1	- - -	- -	1
Ulcers - - - - - -	1	- - -	- -	—
Vulnus - - - - - -	2	1	- -	1
Pmul. ophthalmia - - - -	1	- - -	- -	1
	19	13	- -	5

During the period of this account there have been an unusual number of intermittent fevers, namely, five, of a slight nature, and which have speedily yielded to the usual mode of treatment.

The other cases mentioned have been mild in their course, and arising from common causes, with the exception of two of syphilitic ulcers, contracted previous to their arrival in this settlement, and one of anchylosis of the wrist joint, originating from a severe attack of rheumatism.

When it is considered that this detachment has been upwards of four years in this country, and exposed to the enervating influence of a tropical climate, which so frequently proves fatal to European settlers, it affords room for observations how it happens that, under such apparent unfavourable circumstances, the sick list should present so healthy a return, not only during this quarter, but from the beginning, and which may be attributed to the following circumstances:

(Firstly.) The favourable position of the colony, being exposed to the full benefit of the sea breeze, which generally blows fresh through the year; from the dryness of the atmosphere, there being little or no swampy ground in the neighbourhood, so generally productive of fever, &c.

(Secondly.) The regular habits of the men; the suitable hours appropriated for their duties, avoiding as much as possible all unnecessary exposure to the sun.

(Thirdly.) To the temperate mode of life; the strict prohibition of liquor to any improper extent, together with a plentiful supply of vegetables.

To Captain M'Arthur, R. M.,
Acting Commander, Victoria.

(signed) *Frederick Whipple,*
Assistant Surgeon.

PORT ESSINGTON.

— No. 18. —

COPY of a LETTER from Sir *John Barrow*, Bart. to *G. W. Hope*, Esq.

No. 18. Letter from Sir John Barrow to G. W. Hope, Esq., 7 October 1842.

Sir, Admiralty, 7 October 1842.

CONSIDERABLE sums having from time to time been paid to the crews of Her Majesty's ships stationed at Port Essington, for extra labour in forming that establishment, I am commanded by my Lords Commissioners of the Admiralty to request that you will move Lord Stanley to inform my Lords what are his intentions as to the future government of the colony of Port Essington, and the footing on which it is to be placed.

I am, &c.
(signed) *John Barrow.*

— No. 19. —

COPY of a LETTER from *J. Stephen*, Esq., to Sir *John Barrow*, Bart.

No. 19. Letter from J. Stephen, Esq. to Sir John Barrow, 20 October 1842.

Sir, Downing-street, 20 October 1842.

I HAVE received, and have laid before Lord Stanley, your letter of the 7th instant, in which you state that in consequence of considerable sums having from time to time been paid to the crews of Her Majesty's ships stationed at Port Essington for extra labour in forming that establishment, the Lords Commissioners of the Admiralty are desirous of being informed, what are the intentions of Lord Stanley as to the future government of the settlement, and the footing on which it is to be placed.

I am directed by his Lordship to request that you will acquaint the Lords of the Admiralty, that the steps which he took for ascertaining the practicability of establishing a mercantile settlement in that quarter, having failed in their object as communicated in my letter to you of the 17th of June last, his Lordship is of opinion that, for the present, it would be best that the establishment should continue on its present footing.

I am, &c.,
(signed) *Jas. Stephen.*

— No. 20. —

(No. 155.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

No. 20. Despatch from Sir George Gipps to Lord Stanley, 3 September 1842.

My Lord, Government-house, Sydney, 3 September 1842.

WITH reference to my despatch, No. 80, of the 5th May last, relating to the state of the settlement at Port Essington, I have the honour to enclose a copy of a Report from Captain M'Arthur, which, though dated the 3d September 1841, reached me only on the 7th August 1842.

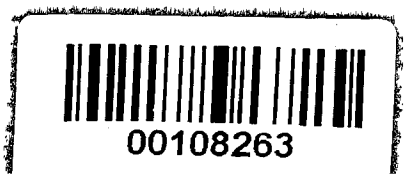
3 Sept. 1841. No. 2. *Vide* p. 29.

This Report appears to me on the whole satisfactory, and strengthens my opinion that the settlement should not be abandoned.

Vide p. 33.

Appended to the Report, is a copy of a letter from Mr. George Windsor Earl, giving an account of an excursion made by that gentleman in Her Majesty's Brig "Britomart," to various islands in the sea of Banda, lying to the north of the settlement.

I have further the honour to enclose a List of Supplies, which, agreeably to the intention expressed in my Despatch of the 5th May, were forwarded to the settlement by the schooner "Lynher," which sailed from Sydney on the 21st August last.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I have, &c.
(signed) *Geo. Gipps.*

Enclosure

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on 18 July, 2018